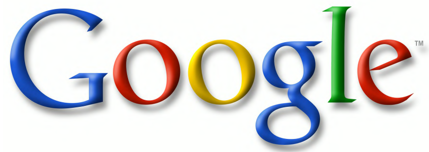

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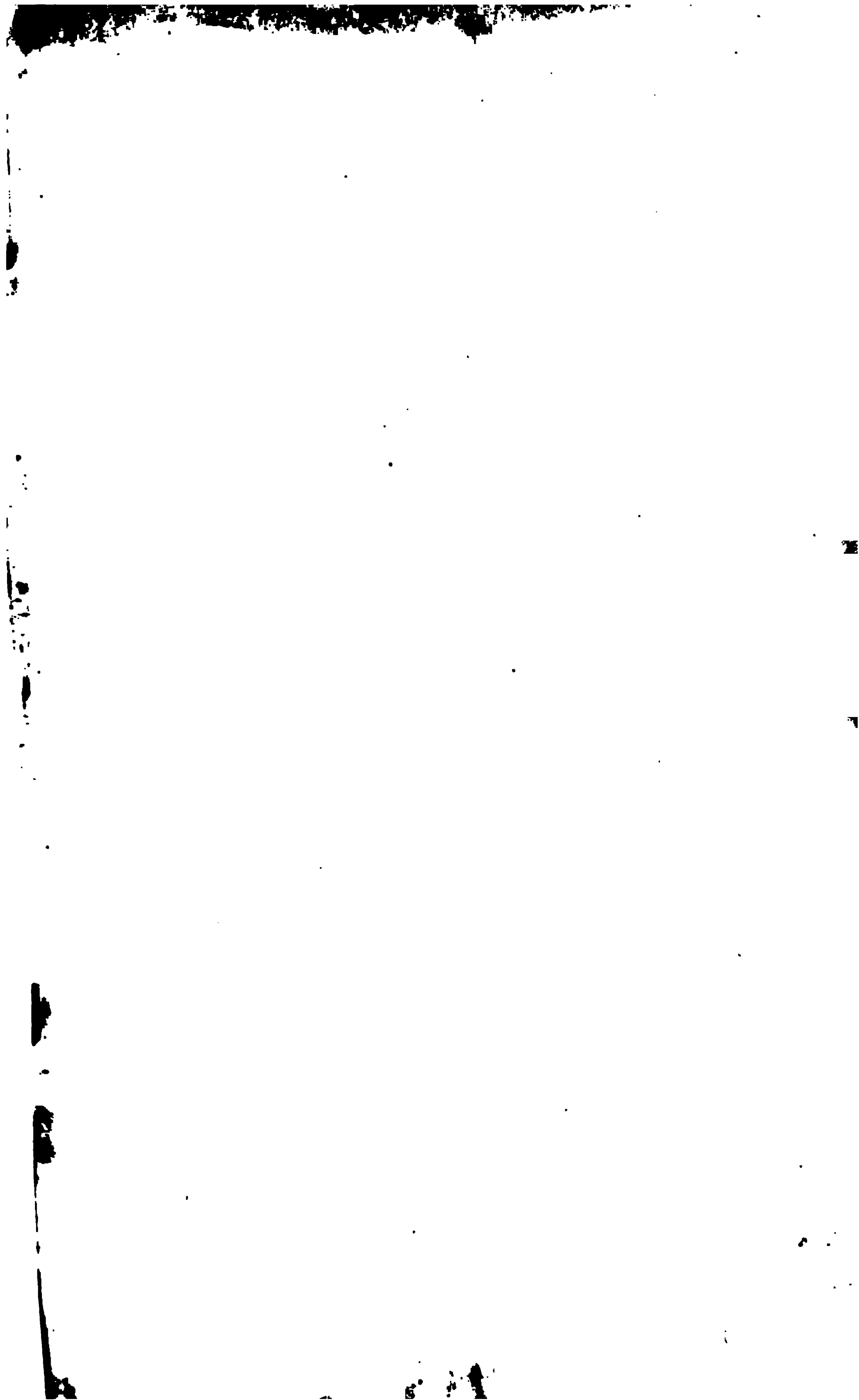


THE PUBLIC DOMAIN.

ITS HISTORY,

WITH STATISTICS,

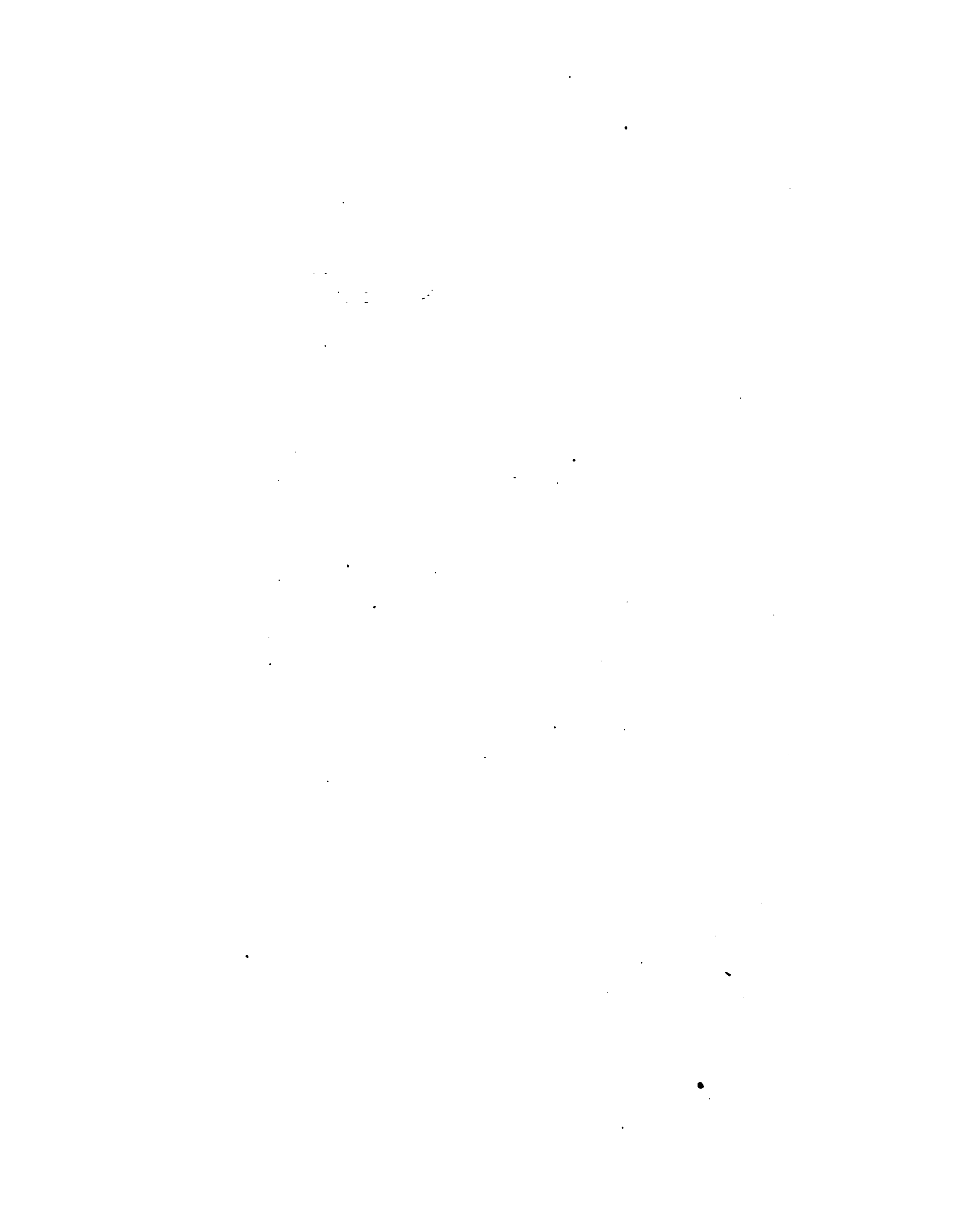
WITH REFERENCES TO THE NATIONAL DOMAIN, COLONIZATION, ACQUIREMENT OF TERRITORY, THE SURVEY, ADMINISTRATION AND SEVERAL METHODS OF SALE AND DISPOSITION OF THE PUBLIC DOMAIN OF THE UNITED STATES, WITH SKETCH OF LEGISLATIVE HISTORY OF THE LAND STATES AND TERRITORIES, AND REFERENCES TO THE LAND SYSTEM OF THE COLONIES, AND ALSO THAT OF SEVERAL FOREIGN GOVERNMENTS.

PUBLIC LAND COMMISSION.

COMMITTEE ON CODIFICATION.

PREPARED, IN PURSUANCE OF THE ACTS OF CONGRESS OF MARCH 3, 1879, AND JUNE 16, 1880, BY THOMAS DONALDSON, OF THE COMMISSION AND COMMITTEE, AND GIVING THE RESULT OF THE SEVERAL LAND LAWS FOR THE SALE AND DISPOSITION OF THE PUBLIC DOMAIN TO JUNE 30, 1880.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1880.



ORGANIZATION.

COMMITTEES AND PUBLICATIONS

OF

THE PUBLIC LAND COMMISSION.

ACTS OF CONGRESS OF MARCH 3, 1879, AND JUNE 16, 1880.

PRESIDENT, JAMES A. WILLIAMSON, Commissioner General Land Office.
CLARENCE KING, U. S. Geologist.
ALEXANDER T. BRITTON.
JOHN W. POWELL.
THOMAS DONALDSON.
SECRETARY, CLARENCE E. DUTTON, Capt. Ordnance, U. S. A.

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ALEXANDER T. BRITTON.
THOMAS DONALDSON.

PUBLICATIONS OF THE COMMISSION.

Prepared and compiled by the Commission:
Preliminary report, with testimony, February 24, 1880, 1 vol.

By the Committee on Codification.

Prepared and compiled by Mr. Alexander T. Britton:
United States Land Laws, General and Permanent, 1 vol.
United States Land Laws, Local and Temporary, 2 vols.

Prepared and executed by Mr. Thomas Donaldson:
The Public Domain, its History, with Statistics, 1 vol.

FINAL REPORT OF THE PUBLIC LAND COMMISSION.

To the Senate and House of Representatives:

I have the honor to submit herewith a report of the Public Land Commission, embracing the history and a codification of the public land laws, and I desire earnestly to invite the attention of Congress to this important subject.

R. B. HAYES.

EXECUTIVE MANSION, *January* 18, 1881.

To the Senate and House of Representatives of the United States:

On the 25th of February, 1880, the Public Land Commission transmitted its preliminary report, in accordance with the act of Congress, approved March 3, 1879, making appropriation for the sundry civil expenses of the Government for the fiscal year ending June 30, 1880. Such report was restricted to recommendations of new legislation, and concluded that branch of the duty with which this commission was charged. It embodied the aggregate labor and judgment of all its members.

A subsequent act of Congress, approved June 16, 1880 (Statutes at Large, vol. 21, p. 245), contained the following clause:

> For the expenses of the commission on the codification of existing laws relating to the survey and disposition of the public domain, and for the completion of such codification, the sum of fifteen thousand dollars, or so much thereof as may be necessary for that purpose, provided that said commission shall complete the same and make their final report on all the public lands in the United States on or before January first, eighteen hundred and eighty-one.

The official duties of Commissioners Clarence King and J. W. Powell in connection with the work of the geological survey necessitated their absence in the field during the summer months. They were consequently unable to give personal attention to the work of codification, and hence the execution of that duty was submitted by the commission to a committee consisting of J. A. Williamson, Thomas Donaldson, and A. T. Britton. The duties of Mr. Williamson, as Commissioner of the General Land Office, have prevented his continuous attention to the work of this committee; but he has generally aided the completion of the work with his experience, and has largely assisted its more immediate compilers with all the facilities within his personal or official command. An earnest expression of the obligations of the committee is tendered to the numerous gentlemen comprising his official staff, and to the able gentle-

men in private station who have in various ways advanced the arduous labors of the committee. It is to be regretted that their numbers are too large to permit of individual acknowledgment.

Mr. Thomas Donaldson undertook the compilation of a detailed history of the origin, organization, and progress of the public land system. The result of his work is embodied in the accompanying volume, entitled "The Public Domain—Its History, with Statistics." It contains thirty-three chapters, giving the origin, growth, and disposition of the public domain, tracing the several systems from their origin, and giving full statistics of operations under, and results of, the several acts for the sale and disposition of the public lands up to June 30, 1880. It is a compendium of information which it is hoped will be no less valuable to the public at large than useful to those officially interested in the subject.

Mr. A. T. Britton undertook the compilation of the public land laws. The scope and character of his work, as also that of Mr. Donaldson, were specifically outlined upon page 6 of the printed volume of the Report of the Commission transmitted to Congress by the President of the United States on the 25th February, 1880, and to provide the means to execute which the subsequent appropriation of June 16, 1880, was enacted. The result of his work is embodied in the one volume, herewith submitted, and entitled—

"United States Land Laws, General and Permanent," and the two volumes entitled—

"United States Land Laws, Local and Temporary."

The first book contains the existing legislation of Congress of a general and permanent nature concerning the disposition and survey of the public domain. The present laws have been compiled in an orderly manner, but without changing either their substance or text. Each general subject of legislation is collated in a separate chapter; but the sections are, for convenient reference, numbered consecutively throughout the volume. Under each section complete references are given to the antecedent legislation upon the same subject, and out of which said section has grown. Copious citations are also made under each section of all decisions construing the same in any manner, and embracing decisions by the Federal courts, the supreme courts of the several public-land States and Territories, the Department of Justice, the Secretary of the Interior, and the Commissioner of the General Land Office.

The other two volumes contain, in chronological order, in each State and Territory connected at any time with the public land system, the entire legislation of Congress of a local or temporary character, and upon which the land titles of such State or Territory have depended. A series of consecutive numbers has been prefixed to the laws through these two volumes, and, by proper notation of such numbers in footnotes, each act is connected with all other acts upon the same subject. Where the same legislation runs equally through more than one State or Territory, it is published complete in one, and appropriate references are made in the other.

These volumes of local and temporary legislation contain also a digest of all Indian treaties affecting the titles to public lands; a list of all existing military reservations, with the authority therefor, and the boundaries thereof; and a copious citation of cases, wherein, by subject-matter, the leading decisions of the Federal and State courts and of the United States executive officers upon public land questions may be readily referred to.

The entire legislation is brought up to the 1st of December, 1880.

All of which is respectfully submitted.

J. A. WILLIAMSON.
THOMAS DONALDSON.
A. T. BRITTON.
J. W. POWELL.

CONTENTS.

	Page.
CHAPTER I.—AREA OF THE NATIONAL DOMAIN, WHICH INCLUDES THE PUBLIC DOMAIN, WITH STATISTICS	1–29
II.—ENGLISH COLONIZATION IN AMERICA AND COLONIAL CHARTERS 1579 TO 1774	30–55
III.—ORGANIZATION OF THE GOVERNMENT OF THE UNITED STATES, AND CESSIONS OF LANDS THERETO BY THE SEVERAL STATES OF THE UNION	56–88
IV.—ACQUISITION, BY PURCHASE, CONQUEST, AND TREATY, OF TERRITORY TO THE NATIONAL AND PUBLIC DOMAIN BY THE UNITED STATES FROM 1803 TO 1867	89–145
V.—THE ORDINANCE OF 1787. THE NORTHWEST AND SOUTHWESTERN TERRITORIES	146–163
VI.—ADMINISTRATION AND SURVEYS	164–177
VII.—SURVEYS OF THE PUBLIC LANDS	178–195
VIII.—METHOD OF SALE, PRICE, AND DISPOSITION OF THE PUBLIC DOMAIN FROM 1784 TO 1880	196–208
IX.—MISCELLANEOUS DONATIONS OF LAND AND SPECIAL GRANTS	209–213
X.—THE PRE-EMPTION ACTS	214–216
XI.—SALINE LANDS	217–218
XII.—SWAMP AND OVERFLOWED LANDS	219–222
XIII.—EDUCATIONAL LAND GRANTS BY THE UNITED STATES TO PUBLIC LAND AND OTHER STATES	223–231
XIV.—LAND BOUNTIES FOR MILITARY AND NAVAL SERVICE	232–237
XV.—TWO, THREE, AND FIVE PER CENT. FUNDS	238–239
XVI.—INDIAN RESERVATIONS FROM THE PUBLIC DOMAIN	240–248
XVII.—MILITARY RESERVATIONS UPON THE PUBLIC DOMAIN	249–254
XVIII.—STATE SELECTIONS	255
XIX.—DISTRIBUTION ACT OF SEPTEMBER 4, 1841	256
XX.—CANAL, WAGON, AND RAILROAD GRANTS	257–288
XXI.—SCRIP	289–290
XXII.—GRADUATION ACT OF 1854	291
XXIII.—COAL LANDS	292–294
XXIV.—DONATION ACTS	295–297
XXV.—TOWN-SITE AND COUNTY-SEAT ACTS	298–305
XXVI.—MINES ON THE PUBLIC DOMAIN	306–331
XXVII.—HOMESTEADS	332–356
XXVIII.—TIMBER AND STONE ACTS	357–359
XXIX.—TIMBER CULTURE	360–362
XXX.—DESERT LANDS	363–364
XXXI.—PRIVATE LAND CLAIMS	365–410
XXXII.—EXISTING METHODS OF CLASSIFICATION, SALE, AND DISPOSITION OF PUBLIC LANDS	411–415
XXXIII.—STATES AND TERRITORIES, 1776 TO 1880	416–464
XXXIV.—TENURES IN THE AMERICAN COLONIES	465–476
XXXV.—METHODS OF SURVEY AND DISPOSITION OF PUBLIC OR CROWN LANDS IN CANADA, BRAZIL, MEXICO, AND AUSTRALIA	477–516
INDEX	517–544

CHAPTER I.

AREA OF THE NATIONAL DOMAIN, WHICH INCLUDES THE PUBLIC DOMAIN, WITH STATISTICS.

DERIVATION OF TITLE TO THE NATIONAL DOMAIN.

The English, by reason of the voyages of the Cabots along our eastern coast in 1498 acquired the title of first discoverers to the country extending from the thirty-eighth to the sixty-seventh degree of north latitude. They were instructed to discover countries unknown to Christian people and to take possession of the same in the name of the King of England.

The English Government began the work of taking possession of America by colonization.

The first charter was granted by Queen Elizabeth, March 25, A. D. 1584, to Sir Walter Raleigh, known since as the North Carolina charter. Five voyages were made thereunder, but no permanent settlements established. Then followed a series of grants and charters to individuals and companies, under which the colonies comprising the thirteen original States of the American Union and their western lands were acquired. The title to our national domain comes, first, by discovery by the Cabots; second, by discoveries and colonization under grants, authorizations, and charters from England, Holland, France, Sweden, and Spain, and treaties and conventions thereafter; third, by Revolution in 1776, and confirmation through and by the definitive treaty of peace at Paris with Great Britain, September 3, 1783, whereby the Crown of Great Britain recognized the Independence of the United States; fourth, by purchase from France of the province of Louisiana, April 30, 1803; fifth, by purchase from Spain of the East and West Floridas, February 22, 1819; sixth, by annexation of the Republic of Texas, December 29, 1845; seventh, by the treaty of Guadalupe Hidalgo, February 12, 1848; eighth, by purchase from the Republic of Mexico (the Gadsden purchase) of the Mesilla Valley, December 30, 1853; ninth, by purchase from the Empire of Russia of Alaska, March 30, 1867.

AREA OF THE NATIONAL DOMAIN.

The national domain is the total area, land and water, embraced within the boundaries of the United States of America, amounting to about 4,000,000 square miles,

the land surface being estimated at 3,591,066 square miles, or 2,298,282,240 acres. Alaska and its islands, on the northwest coast of America are included in this estimate, and are hereafter geographically described. Excluding Alaska the national domain extends through fifty-eight degrees of longitude, from ocean to ocean, and through twenty-four degrees of latitude from the great northern lakes to the Gulf of Mexico.

POLITICAL DIVISIONS.

The national domain consists of thirty-eight States, viz:

State	Order of admission.	State	Order of admission.
1. Delaware	Thirteen original States.	20. Mississippi	7
2. Pennsylvania		21. Illinois	8
3. New Jersey		22. Alabama	9
4. Georgia		23. Maine	10
5. Connecticut		24. Missouri	11
6. Massachusetts		25. Arkansas	12
7. Maryland		26. Michigan	13
8. South Carolina		27. Florida	14
9. New Hampshire		28. Texas	15
10. Virginia		29. Iowa	16
11. New York		30. Wisconsin	17
12. North Carolina		31. California	18
13. Rhode Island		32. Minnesota	19
14. Vermont	1	33. Oregon	20
15. Kentucky	2	34. Kansas	21
16. Tennessee	3	35. West Virginia	22
17. Ohio	4	36. Nevada	23
18. Louisiana	5	37. Nebraska	24
19. Indiana	6	38. Colorado	25

Eight Territories, viz, under organic acts passed by Congress, given in order:

1. New Mexico.
2. Utah.
3. Washington.
4. Dakota.
5. Arizona.
6. Idaho.
7. Montana.
8. Wyoming.

The District of Columbia.

Indian Territory, no civil government under laws of Congress.

Territory of Alaska, unorganized.

A piece known as "Public Land," or "Land Strip," southwest of Kansas and north of Texas, unattached to any State or Territory.

BOUNDARIES OF THE UNITED STATES.

The United States, exclusive of Alaska, has for its northern boundary a line from the north of the Saint Croix River to its head, and thence due north to the highlands which divide those rivers that empty themselves into the Saint Lawrence from those which fall into the Atlantic Ocean; thence along the crest of those highlands to the northwesternmost head of the Connecticut River; down that river to and westward along the forty-fifth parallel to and along the middle of the Ontario, Erie, Huron, Superior, and Long lakes and their water connections to the most northwestern point of the Lake of the Woods; and thence along the forty-ninth parallel to the Pacific Ocean, the line at the northwest terminus excluding Vancouver's Island, but including the islands of the San Juan group. For its southern boundary, the Gulf of Mexico, the Rio Grande del Norte River, to the plateau of the Sierra Nevadas, latitude 31° 47′ north; thence by an irregular line running between the thirty-first and thirty-third parallels of latitude

to the waters of the Pacific Ocean. On the east and west by the Atlantic and Pacific Oceans respectively.

Alaska, the extreme northwest portion of the United States, is bounded as follows (given in treaty of cession of March 30, 1867):

Commencing at 54° 40′ north latitude, ascending Portland Channel to the mountains, following their summits to 141° west longitude; thence north on this line to the Arctic Ocean, forming the eastern boundary. Starting from the Arctic Ocean west, the line descends Behring's Strait, between the two islands of Krusenstern and Ratmanoff, to the parallel of 65° 30′, and proceeds due north, without limitation, into the same Arctic Ocean. Beginning again at the same initial point, on the parallel of 65° 30′; thence in a course southwest, through Behring's Strait, between the island of Saint Lawrence and Cape Choukotski, to 172° west longitude; and thence southwesterly, through Behring's Sea, between the islands of Attou and Copper, to the meridian of 193° west longitude, leaving the prolonged group of the Aleutian Islands in the possessions now transferred to the United States, and making the western boundary of our country the dividing line between Asia and America.

Alaska contains 577,390 square miles, or 369,529,600 acres.

TREATIES ESTABLISHING THE NATIONAL BOUNDARIES AND PORTIONS OF THE BOUNDARIES OF THE PUBLIC DOMAIN.

Our national boundaries are now fully and completely established and acknowledged, with one exception, hereinafter noted. They were first established for all that portion of territory lying east of the Mississippi River, to the Atlantic Ocean, north to the present international boundary, and south to the north boundary line of the State of Florida, and west of the present State along the thirty-first parallel to the Mississippi River, embracing the thirteen colonies and their western territory.

These boundaries were established by the provisional articles between the United States and Great Britain, concluded November 30, 1782, at Paris, France, by Richard Oswald on behalf of Great Britain, and John Adams, Benjamin Franklin, and John Jay on behalf of the United States, and by the definitive treaty of peace between the same high contracting parties, done at Paris September 3, 1783, by David Hartley on the part of Great Britain, and Benjamin Franklin, John Adams, and John Jay on the part of the United States. The western and southern boundaries of the above acknowledged limits were acknowledged on behalf of Spain, the sovereign over and owner of the territory lying to the south and west of the United States, by a treaty of "friendship, limits, and navigation" made at San Lorenzo el Real, October 27, 1795, by Thomas Pinckney on behalf of the United States, and El Principe De La Paz on behalf of Spain.

THE NORTHERN BOUNDARY LINE.

The northern boundary line of the original and purchased territory of the United States became the source of much serious negotiations between Great Britain and the United States. It was finally settled by a series of treaties and commissions and arbitrations thereunder, running through a period of ninety years.

The treaty of London, made at London, England, November 19, 1794, by Earl Greenville for Great Britain, and John Jay for the United States, contained several articles on this boundary question. Articles IV and V contained two provisions, the first for determining the location of the source of the Mississippi River, and for joint survey of the same from one degree below the Falls of Saint Anthony northward, and the second for commissioners, one for each country and one to be chosen or selected by the two. They were to meet at Halifax. They were to decide "what river is the river Saint Croix intended by the treaty" (definitive treaty of September 3, 1783.)

The source of the river—when it should be established—was to be marked by a monument. This was under an explanatory article of date March 15, 1798. The monument marking the boundary was erected under the supervision of Andrew Ellicott, Esq.

The commission met frequently after August 30, 1796, the date of its first meeting, and held its final meeting October 25, 1798.

The American commissioner was David Howell; the British commissioner was Thomas Barclay; the third commissioner, selected by the first two, was Egbert Benson, (an American). James Sullivan was the American agent, and Ward Chipman the agent for Great Britain. The secretary of the commission was Ed. Winston.

TREATY OF GHENT, SEPTEMBER 24, 1814.

The treaty of "peace and amity" between Great Britain and the United States, done at Ghent, Belgium, December 24, 1814, by James Lord Gambier, Henry Goulborn, and William Adams on behalf of Great Britain; and John Quincy Adams, J. A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin on behalf of the United States, contained three articles relating to the northern boundary line.

Article IV provided for a commission to settle title to islands off the coast of Maine. The commission was organized by the appointment of John Holmes and Thomas Barclay as commissioners on the part of the United States and Great Britain respectively. James T. Austin was the American, and Ward Chipman the British agent. Anthony Barclay was the secretary.

On November 24, 1817, the commission, at New York, rendered its decision, awarding Moose, Dudley, and Frederick islands to the United States, and all other islands in Passamaquoddy Bay and the Isle of Grand Menan were awarded to Great Britain.

These awards were accepted and approved by both governments. Article V provided for a commission to meet at Saint Andrews, New Brunswick, and determine the boundary line between the United States and the British possessions, from the source of the river Saint Croix to the river Saint Lawrence. In case of failure of the commissioners to agree, the matter was to be referred to a friendly sovereign. The commissioner on behalf the United States was C. P. Van Ness, and Thomas Barclay was the commissioner on behalf of Great Britain. William C. Bradly was agent for the United States and Ward Chipman for Great Britain.

The surveyors, under direction of this commission, ran and marked lines in 1817 and 1818.

The commission failed to agree as to the boundary. C. P. Van Ness, the American commissioner, reported this fact to his Government November 20, 1821.

TREATY AT LONDON, SEPTEMBER 29, 1827.

After repeated efforts to settle and fix definitely this portion of the northern boundary a convention between the United States and Great Britain—in conformity with the fifth article of the Treaty of Ghent, the commission therein provided for having failed to agree as to the proper boundary between the two countries—was entered into and concluded at London, England, September, 29, 1827, by Charles Grant and Henry Unwin Addington on behalf of Great Britain, and Albert Gallatin on behalf of the United States, and the matter of the northeast boundary referred to a friendly sovereign as provided in said Treaty of Ghent. William, King of the Netherlands, was selected, by agreement and concert between the high contracting parties.

AWARD OF THE KING OF THE NETHERLANDS UNDER ABOVE TREATY.

January 10, 1831, the King, by his award, recommended that a line be drawn from the head of the river Saint Croix due north to where it strikes the middle of the river Saint John, and thence up the middle of that river to the mouth of the Saint Francis; thence up that river to the extreme source of its southwesternmost branch; thence due west to its intersection with the line claimed by the United States. He further decided that the utmost source of the northwesternmost stream emptying into the

northernmost of the three lakes, the last of which is called Connecticut Lake, should be considered the northwesternmost head of the Connecticut River, set out in the treaty of Ghent; and further, that a new line should be run from thence to the river Saint Lawrence, in such manner as at all events to give Rouses's Point, near Lake Champlain, to the United States. This award made by King William was rejected by both governments.

WEBSTER-ASHBURTON TREATY.

All efforts to settle the northeast boundary question having failed through negotiation, joint commission, and reference to a sovereign as arbiter, Lord Ashburton, sent specially as a commissioner for the purpose on behalf of Great Britain, and Daniel Webster, Secretary of State, on behalf of the United States, at Washington, D. C., on August 9, 1842, concluded a treaty which settled the northeastern boundary line of the United States (as indicated in the definitive treaty with Great Britain in 1783, and under the fifth article of the treaty of Ghent), and the present boundary line from the Atlantic Ocean to the river Saint Lawrence was established, and continuing westward from the western terminus of the line as laid down by the commission under the sixth article of the Treaty of Ghent (see below) to the westernmost water of the Lake of the Woods, and from this point thence westward, conforming to the eleventh article of the treaty of 1818 (see below), and south to the forty-ninth parallel of north latitude.

This still left the question of northern boundary line from the Rocky Mountains westward to the Pacific Ocean unsettled.

NORTHERN BOUNDARY LINE TO THE ROCKY MOUNTAINS.

Article VI of the Treaty of Ghent, 1814, provided for a commission to mark the boundary line from the river Saint Lawrence to the western point of Lake Huron. Peter B. Porter and John Ogilvy, succeeded by Anthony Barclay, were appointed commissioners on behalf of the United States and Great Britain respectively. Samuel Hawkins, succeeded by Joseph Delafield, was the American agent, and J. Hall British agent. Stephen Sewell was secretary, and was succeeded by Donald Frazer, who was assistant secretary, succeeded by John Bigsby, and he by Richard Williams. They agreed, and reported from Utica, N. Y., June 18, 1822, and this portion of the boundary line was established. As a separate duty this commission were also to determine "where is the middle of the rivers and lakes forming the northern boundary to the water communication between lakes Huron and Superior." They reported June 18, 1822, awarding the islands to the north of the line which was established to Great Britain and those to the south of it to the United States.

Article VII of the Treaty of Ghent enjoined upon the commission, provided for in Article VI (as above), after action upon that branch of its work, to define the northern boundary line westward from the western point of Lake Huron to the northwestern waters of the Lake of the Woods. The commission failed to agree upon this, and so reported. This portion of the northern boundary line was established by the second article of the Webster-Ashburton treaty of August 9, 1842.

In consequence of the acquirement by purchase by the United States of the province of Louisiana, which extended westward from the international boundary line (the Mississippi River), October 20, 1818, at London, a convention was concluded between Albert Gallatin and Richard Rush for the United States, and Frederick John Robinson and Henry Goulborn on behalf of Great Britain. It settled this portion of the northern boundary line by Article II of said treaty, and it was thus extended westward from the most northwestern point of the Lake of the Woods to and along the forty-ninth parallel north latitude to the Stony (Rocky) Mountains.

In the treaty of August 6, 1827, between the United States and Great Britain, at London, this agreed portion of the northern boundary line was confirmed and con-

tinued. It was finally fully confirmed by the eleventh article of the Webster-Ashburton treaty of August 9, 1842.

Congress, March 19, 1872, authorized the survey and marking of the boundary between the United States and the British possessions from the Lake of the Woods to the summit of the Rocky Mountains. Archibald Campbell was appointed commissioner on the part of the United States, and Capt. D. R. Cameron, R. A., on behalf of Great Britain. A corps of astronomers and engineers were detailed and selected on behalf of the respective countries, Capt. P. Anderson, R. E., being the British chief astronomer. The American corps of engineers were Lieut.-Col. F. U. Farquhar, Bvt.-Maj. W. J. Twinning (who became chief astronomer for the United States), Capt. James F. Gregory, and Lieut. F. V. Greene. Congress appropriated $50,000 for this work. The line was surveyed and the boundary monuments established. (See Senate Ex. Doc. 41, second session Forty-fourth Congress.)

NORTHERN BOUNDARY WEST OF THF ROCKY MOUNTAINS.

Through deference to Spain, who claimed title by discovery to the entire Pacific slope (as well as by purchase from France of the province of Louisiana), the northern boundary line was not extended westward from the Rocky Mountains.

After the purchase of Louisiana by the United States, in 1803, the Government opened negotiations with Great Britain for fixing the northern boundary line of the province of Louisiana. In 1807 an agreement was reached by the two nations, but not signed. The war of 1812 between them prevented its consummation.

The question was not opened again until the treaty of October 20, 1818, and then only to the Rocky Mountains. Spain by the treaty at Washington February 22, 1819, waived this claim and ceded to the United States her claims to Oregon Territory.

The French, prior to their sale of the province of Louisiana and possessions to the United States, claimed the country south of the British possessions and west of the Mississippi River to the Pacific Ocean, by reason of discovery and exploration of the Mississippi River. This claim the United States, being the successor of France, also urged and stood upon.

The United States held an independent claim to that portion of the Louisiana purchase known as Oregon, based upon the discovery of the mouth of the Columbia River in May, 1791, by Captain Gray, of Boston, in the ship Columbia, naming the river from his ship.

The convention between the United States and Great Britain of October 20, 1818, kept the line indefinite, and in the one hundred and eleventh article provided for joint occupancy and use of the territory claimed by both by the people of the two countries on the northwest coast of America, westward of the Stony (Rocky) Mountains, without prejudice to any claim of either of the contracting parties to any part of said country. This was to hold from ten years from the 20th day of October, 1818.

This still left this northwestern boundary line undefined.

The convention between the United States and Great Britain of date August 6, 1827, by Albert Gallatin, on behalf of the United States, and Charles Grant and Henry Unwin Addington, by the first article indefinitely extended this provision, with the right of either party, after October 20, 1828, on twelve months' notice of the intention, to annul and abrogate the same.

Article III again reserved the claim of either party to the territory west of the Stony or Rocky Mountains.

THE NORTHWESTERN-BOUNDARY QUESTION.

The northwestern-boundary question was a source of constant irritation and serious trouble between the United States and Great Britain and their citizens.

In 1824 the United States opened negotiations with the Emperor of all the Russias

for a treaty to define the boundaries of the respective countries on the northwest coast. Russia had a large undefined claim (Alaska) to territory. The treaty was made at St. Petersburg, Russia, April 5-17, 1824, and admitted the sovereignty of Russia over the northwest coast from latitude 54° 40′ north to the North Pole. This treaty did not attempt to fix the eastern boundary of the Russian possessions. It was made by Henry Middleton on behalf of the United States and Le Comte Charles De Nesselrode and Pierre de Poletica on behalf of Russia.

Great Britain not desiring that the United States should have an advantage by the definition, inferentially or otherwise, of the boundary line between her territory and the Russian, at once negotiated a treated with Russia of date February 16-28, 1825, conceding to Russia dominion over the coast to the north of 54° 40′ north latitude, and defining the eastern line of the Russian possessions where they formed the western line of the British possessions, being the present eastern line of Alaska.

OREGON TREATY.

In 1846, after great political heat and discussion and occupation of disputed territory by armed forces of both nations, by a treaty at Washington concluded between Great Britain and the United States, by Richard Pakenham and James Buchanan in behalf of their respective countries, June 15, 1846, it was agreed by Article I that the northern boundary line should be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel and of Fuca Straits to the Pacific Ocean, and thus the boundary line was extended from the Rocky Mountains to the Pacific Ocean along the forty-ninth parallel of north latitude. This treaty was adopted by the Senate of the United States by yeas 41, nays 14. Under this treaty the government of Great Britain claimed that the British channel referred to was the so-called Straits of Rosario. The United States claimed that it was the Canal de Haro. This remained a disputed question from 1846 to 1871.

TREATY OF WASHINGTON.

By the treaty of Washington of May 8, 1871, creating a High Joint Commission and plenipotentiaries, consisting of the Earl de Grey and Ripon, Sir Stafford Northcote, Sir Edward Thornton, Sir John A. McDonald, and Montague Bernard, on behalf of Great Britain, and Hamilton Fish, Robert C. Schenck, Samuel Nelson, E. R. Hoar, and George H. Williams, on behalf of the United States, this question was considered for settlement.

Under Article XXXIV the decision of the question as to a portion of the boundary line between the United States and British possessions west of the Rocky Mountains, under the first article of the treaty of June 15, 1846. This, known as the northwestern water boundary question, was left to the arbitration for decision without appeal of his majesty the Emperor of Germany. George Bancroft was agent of the United States, and Admiral James Provost agent for Great Britain.

NORTHERN BOUNDARY LINE SETTLED.

October 21, 1872, William I., Emperor of Germany, rendered his decision in favor of the Canal de Haro, thus sustaining the claim of the United States and settling finally the northern boundary line east and west between the United States and Great Britain.

Thus it required the period from the preliminary treaty of peace with Great Britain, November 30, 1782, to the 21st day of October, 1872, the date of the decision of the Emperor of Germany on the Canal de Haro, to settle and define the northern boundary of the United States—about ninety years. This boundary line west of the western

boundary of the State of New York and to the Pacific Ocean became the northern boundary line of the public domain.

EASTERN BOUNDARY OF THE UNITED STATES.

The present eastern boundary line of the United States—the Atlantic Ocean and Gulf of Mexico—was settled by the preliminary treaty and by the definitive treaty of peace with Great Britain, September 3, 1783, and subsequently by treaty of purchase with Spain at Washington, February 22, 1819, between John Quincy Adams on behalf of the United States and Luis de Onis on behalf of Spain, by which was ceded to the United States by Spain the provinces of East and West Florida.

This eastern boundary line of the United States became the eastern boundary of the public domain south of 31° north latitude and in the State of Florida; the continuation of this eastern line of the public domain northward from 31° north latitude the western boundaries of the States of Georgia, South and North Carolina, Virginia (now West Virginia), Pennsylvania, and New York, to the northern international boundary line.

WESTERN BOUNDARY OF THE UNITED STATES.

The western boundary line of the United States from latitude 49° north, going south, the Pacific Ocean, was determined by discovery (Captain Gray's, 1791), and the purchase from France of the province of Louisiana, under treaty at Paris, France, April 30, 1830, by the United States, concluded by Robert R. Livingston and James Monroe on behalf of the United States, and Barbé Marbois on the part of France, and by the purchase from Spain of the Floridas July 22, 1819, from latitude 49° north (confirmed by various treaties set out in description above of northern boundary lines), along the Pacific Ocean to about latitude 42° north. From latitude 42° north, going south, by capture and the treaty of Guadaloupe Hidalgo, between the United States and Mexico, February 2, 1848, between N. P. Trist, on behalf of the United States, and Luis G Cuevas, Bernardo Couto, and Miguel Atristain, on behalf of Mexico, which extended the present western boundary of the United States from parallel 42° north latitude, going south, to the point between the thirty-second and thirty-third parallel of north latitude, now forming the division line between the United States and the Republic of Mexico.

The entire western boundary line of the United States is the western boundary line of the public domain.

SOUTHERN BOUNDARY OF THE UNITED STATES.

By the definitive treaty with Great Britain, September 3, 1783, the southern boundary was described as follows:

> South by a line to be drawn due east from a point where the northernmost part of the thirty-first degree of north latitude intersects a line drawn along the middle of the Mississippi River east to the middle of the river Appalachicola or Catahouche, thence along the middle thereof to its junction with the Flint River, thence straight to the head of Saint Mary's River, and thence along the middle of Saint Mary's River to the Atlantic Ocean.

The present southern boundary line was settled, beginning at the Atlantic Ocean and running west, by the treaty, at Washington, of purchase, from Spain by the United States, of Florida, February 22, 1819, which extended the line westward along the southern coast of Florida to the limits of the Louisiana Purchase of 1803; by the treaty of purchase from France by the United States, at Paris, April 30, 1803, of the province of Louisiana. The eastern boundary of this latter purchase, as claimed by the United States in her controversy with Spain as to the boundaries of the provinces of East and West Florida, were conceded by Spain in the treaty of purchase of February 22, 1819.

This extended the boundary westward from the west boundary of Florida, west of the meridian 87° west longitude along the south coast of Louisiana, to the Sabine River.

By the annexation of Texas, December 29, 1845 (the act of the Congress of the United States), the southern boundary was extended southwestward from the Sabine River along the Gulf of Mexico to the Rio Grande River, up and along the Rio Grande River, running northwest, and forming the boundary line between the United States and Mexico, to the plateau of the Sierra Madre, 31° 47′ north latitude, from the turning point westward on the boundary line between the United States and Mexico; which was further extended by the Gadsden Purchase of the Mesilla Valley by the United States from the Republic of Mexico, at the city of Mexico, December 30, 1853.

This extended the southern boundary westward from the point 31° 47′ north latitude on the Rio Grande, established by the annexation of Texas and the treaty of Guadalupe Hidalgo, to a point on the Colorado River twenty miles below its junction with the Gila River, thence north to the line between California and Lower California.

By the treaty of Guadalupe Hidalgo, February 2, 1848, the southern boundary between the United States and Mexico was fixed as starting in the Gulf of Mexico, three leagues from the land opposite the middle mouth of the Rio Grande River, and up the middle and along that river to the boundary of New Mexico, touching the point 31° 47′ north latitude; thence north to the thirty-third parallel north latitude on the plateau of the Sierra Madra; thence west on a random line to the Gila River and along it to a point twenty miles north of its junction with the Colorado River; thence across the Rio Colorado west to the Pacific Ocean, following the division line between Upper and Lower California.

The Gadsden purchase moved the line south between the point 31° 47′ north latitude on the Rio Grande, being now the southern boundary of New Mexico and Arizona, to the point twenty miles below the junction of the Gila and Colorado rivers, being the eastern point of the line between California and Lower California, and thence north.

The southern line of this purchase is described as extending west from the point 31° 47′ north latitude; thence due west one hundred miles; thence south to the parallel 31° 20′ north latitude; thence along the said parallel of 31° 20′ to the one hundred and eleventh meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty miles below the junction of the Gila and Colorado rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico; and this is the present boundary between the two Republics.

This left the extension of the line from the Gila and Colorado rivers west to the Pacific the same as established by the treaty of Guadalupe Hidalgo, and thus the southern boundary line was extended from the Atlantic to the Pacific in the period from November 30, 1782 (the preliminary treaty of peace), to the Gadsden purchase of December 30, 1853—about seventy years.

The entire southern boundary of the United States is the line of southern boundary of the public domain.

BOUNDARIES OF ALASKA.

The boundaries of Alaska and contiguous islands are fully set out in the convention for the cession of the Russian possessions in North America to the United States, at Washington, March 30, 1867, by William H. Seward on behalf of the United States, and Edouard de Stoeckel on behalf of Russia.

This treaty refers to the treaty made by and between Russia and Great Britain of date February 28–16, 1825, which defined the eastern limits of Alaska where it joins the British possessions. The boundary line between the United States and the British possessions is all marked and determined, except as to the Alaska purchase.

The entire area of Alaska is public domain.

REFERENCES HEREUNDER.

For treaties of cession, conventions, settlement of boundaries, and purchases of territory since July 4, 1776, to February 1, 1871, see Senate Ex. Doc. No. 36, third session Forty-first Congress. As our national boundaries are now fully established, reference is only made to authorities under and by which they were made.

For reference to treaties and conventions by which our national boundaries have been made and acknowledged, see laws of the United States relating to public lands, compiled by Albert Gallatin, 1817; laws of the United States compiled by Mathew St. Clair Clarke, 1828; laws of the United States, vol. 1, Brown & Duane, 1815; and treaties and conventions since 1776, State Department, Washington, D. C., 1871.

The expenses and costs of all commissions for making treaties and commissions for marking boundaries under treaties under the Department of State can be found in Senate Ex. Doc. No. 38, second session Forty-fourth Congress.

NATIONAL AND PUBLIC DOMAIN.

AREA OF PUBLIC DOMAIN.

The public domain embraces lands known in the United States as "public lands," lying in certain States and Territories known as the "Land States and Territories," and was acquired by the Government of the United States by treaty, conquest, cession by States, and purchase, and is disposed of under and by authority of the National Government. It contained 2,894,235.91 square miles, or 1,852,310,987 acres. Deducting the area of Tennessee, the actual public domain was 1,821,700,922 acres.

AREA OF POLITICAL DIVISIONS.

By the definitive treaty of peace with Great Britain of September 3, 1783, concluding the Revolutionary War, our national territory was defined as extending westward from the Atlantic to the Mississippi River, and from a line on the north of the lakes to the thirty-first parallel and the south boundary of Georgia, embracing about 830,000 square miles, or 531,200,000 acres. Of this 341,752 square miles, or 218,721,280 acres, were included in the thirteen original States constituting the American Union.

LEGISLATIVE CREATIONS.

Kentucky, Vermont, and Maine were subsequently erected out of territory claimed respectively by Virginia, New York, Massachusetts, and New Hampshire by virtue of grants from the British Crown prior to the Revolution. These States embrace 82,892 square miles or 53,050,880 acres, which, added to the area of the thirteen original States, aggregates 424,644 square miles.

CESSIONS BY STATES TO THE NATIONAL GOVERNMENT.

The territory embraced within the present States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and Tennessee, that part of Minnesota lying east of the Mississippi River, and all of Alabama and Mississippi lying north of the thirty-first parallel, was held by Massachusetts, Connecticut, New York, Virginia, North Carolina, South Carolina, and Georgia, under grants from Great Britain, during their colonial condition. These territorial interests were surrendered to the General Government of the Union by the last-named States at different times hereinafter set forth, and constituted the nucleus of our public domain with some reservations as to former grants, and was the remainder of the territory conceded to the United States under the definitive treaty of 1783, and consisted of 404,955.91 square miles, or 259,171,787 acres. This was the public domain of the United States on April 30, 1803, the date of the Louisiana purchase, and for which the original survey and disposition laws were made.

The United States were recognized by the Crown in the definitive treaty of peace

with Great Britain as "free sovereign and independant States, and that he treats with them as such, and for himself, his heirs, and successors relinquishes all claims to the government, proprietary and territorial rights of the same, and every part thereof."

The Government of the United States acquired as custodian for the Nation lands known as the public domain as follows:

First. From States (colonies prior to July 4, 1776) ceded under the Confederation and under the Constitution.

This was in pursuance of a resolution of the Congress of the Confederation passed Tuesday, October 10, 1780, providing for the reception and care of such unappropriated lands as might be ceded by States to the United States, and for the disposition of the same for the common benefit of the United States.

The dates of cession of these lands to the United States were as follows:

Colony.	State.	Date of cession.
New Hampshire	New Hampshire	No cession.
New York	New York	March 1, 1781.
Rhode Island and Providence Plantations	Rhode Island	No cession.
New Jersey	New Jersey	Do.
New Castle, Kent, and Sussex, on Delaware.	Delaware	Do.
Pennsylvania	Pennsylvania	Do.
Virginia	Virginia	March 1, 1784, and December 30, 1788.*
Maryland	Maryland	No cession.
Massachusetts Bay	Massachusetts	April 19, 1785.
Connecticut	Connecticut	September 14, 1786; confirmed May 30, 1790.
South Carolina	South Carolina	August 9, 1787.
North Carolina	North Carolina	February 25, 1790.
Georgia	Georgia	April 24, 1802.

*An act to change the conditions of the cession of December 30, 1788, only so far as to satisfy the fifth article of the compact of the ordinance of 1787.

Area of cessions.

	Sq. miles.	Acres.
Massachusetts (disputed) claimed (estimated)*	54,000.00	34,560,000
Connecticut (disputed) and Western Reserve and Fire-lands (estimated)*	40,000.00	25,600,000
From New York and Massachusetts cession, actual	315.91	202,187
From Virginia (disputed and undisputed) to the United States (exclusive of Kentucky and including area of Western Reserve and Fire-lands)†	265,562.00	169,959,680
South Carolina cession	4,900.00	3,136,000
North Carolina cession, nominal, because the area of Tennessee was almost covered with reservations	45,600.00	29,184,000
Georgia cession	88,578.00	56,689,920
Total actual State cessions to the United States for public domain	404,955.91	259,171,787

*The area above was also claimed by Virginia and included in her cession.

†Connecticut's jurisdictional cession of the Western Reserve and Fire-lands, containing about 4,300,000 acres, included under Virginia cession.

LANDS ACQUIRED BY PURCHASE AND TREATIES—PERIOD, PRICE, AND QUANTITY.

1. *From France.*

From France, April 30, 1803, under the administration of President Jefferson, known as the Louisiana purchase, done by treaty at Paris, France, by Robert R. Livingston and James Monroe on behalf of the United States, and Barbé Marbois on behalf of the First Consul, Napoleon Bonaparte, in the name of the French Republic. This embraced as finally settled those portions of the States of Alabama and Mississippi south of the thirty-first parallel, the entire surface of the States of Louisiana, Arkansas, Missouri, Iowa, Nebraska, and Oregon, all of Minnesota west of the Missouri River, all of Kansas except a small portion west of the one hundredth meridian and south of the Arkansas

River, all of Dakota, Montana, Idaho, Washington, and Indian Territories, with a part of Wyoming and Colorado. This cost, according to the original treaty stipulation, 60,000,000 francs, or $15,000,000, in money and stocks; the interest on the stocks to time of redemption, $8,529,353; claims of citizens of United States due from France paid by United States, $3,738,268.98; a total of $27,267,621.98, and added to the public domain 1,182,752 square miles or 756,961,280 acres.

2. *From Spain.*

From Spain, by treaty February 22, 1819, under the administration of President Monroe, done at Washington, D. C., between John Quincy Adams, Secretary of State, on behalf of the United States, and Louis de Onis, Minister of Spain to the United States, on behalf of His Majesty Ferdinand VII., King of Spain. It secured to the United States the territory known as East and West Florida, now the present State of Florida, for the sum of $5,000,000 in bonds similar to those issued for the Louisiana purchase, the interest on which to the date of redemption being $1,489,768, made the total cost $6,489,768. This added to the public domain of the United States 59,268 square miles, or 37,931,520 acres, including certain grants.

3. *From Mexico.*

From Mexico, by treaty of Guadalupe Hidalgo, under the administration of President Polk, concluded February 2, 1848, by and between Nicholas P. Trist on behalf of the United States, and Luis G. Cuevas, Bernardo Couto, and Miguel Atristain on behalf of the Republic of Mexico. This cession gave to the public domain of the United States the States of California, Nevada, and part of Colorado, also the lands in the Territories of Utah, Arizona, and New Mexico, excepting in the last two the Mesilla Valley, adding to the national domain approximately 522,568 square miles, or 334,443,520 acres. It cost (treaty stipulation) $15,000,000.

4. *From Texas.*

From the State of Texas, by purchase, under the administration of President Fillmore. The United States, by act of Congress of November 25, 1850, purchased from Texas her claim to certain public lands north of parallel 36° 30′, and between that parallel and 32°, and lying west of the one hundred and third meridian, now included in Kansas, Colorado, New Mexico, and also the "public land strip." This cost $16,000,000, in 5 per cent. bonds, interest and cash. The lands in this cession were estimated at 101,767 square miles, or 65,130,880 acres, and this was added to the public domain, being already, by the annexation of Texas and the confirmatory clause of the treaty of Guadalupe Hidalgo, embraced within the national domain.

5. *From Mexico.*

From the Republic of Mexico, by purchase, under the administration of President Pierce, known as the Gadsden purchase, under treaty made at the City of Mexico, December 30, 1853, by James Gadsden, United States minister, on behalf of the United States, and Manuel Diez de Bonilla, José Salazar Ylarregui, and J. Mariano Monterde on behalf of the Republic of Mexico. In consideration of the concession by Mexico of the abrogation of sundry treaty stipulations in the treaty of Guadalupe Hidalgo, 1848, and the payment of the sum of $10,000,000 by the United States to Mexico, a strip of land known as the Mesilla Valley, and lying in the present Territories of New Mexico and Arizona, on their southern border, was added to the national and public domain of the United States. It contained 45,535 square miles, or 29,142,400 acres. Cost, $10,000,000. This territory now lies in New Mexico and Arizona; 14,000 square miles in New Mexico, and 31,535 square miles in Arizona.

6. *From Russia.*

From the Empire of Russia, by purchase, known as "the Alaska purchase," under the administration of President Johnson, under treaty made March 30, 1867, at Washington, D. C., by and between William H. Seward, Secretary of State, on behalf of the United States, and Edouard de Stoeckl, Russian minister to the United States, on behalf of the Emperor of all the Russias, by which was ceded to the United States by Russia all her possessions on the continent of America and adjacent islands. This added to our national public domain 577,390 square miles, or 369,529,600 acres, and cost $7,200,000. The public land system has not as yet been extended over Alaska.

AREA OF PURCHASES—PUBLIC AND NATIONAL DOMAIN.

Public domain.

	Square miles.	Acres.
Louisiana purchase, April 30, 1803	1, 182, 752	756, 961, 280
East and West Florida, February 22, 1819	59, 268	37, 931, 520
Gaudalupe Hidalgo, February 2, 1848	522, 568	334, 443, 520
State of Texas, November 25, 1850	101, 767	65, 130, 880
Gadsden purchase, December 30, 1853	45, 535	29, 142, 400
Alaska purchase, March 30, 1867	577, 390	369, 529, 600
	2, 489, 280	1, 593, 139, 200

At a total cost of $88,157,389.98.

National domain.

The Texas annexation of 1845 added to the national domain the area of the present State of Texas, viz, 274,356 square miles, or 175,587,840 acres, included in the public domain, besides the purchase of 1850 from the State, now public domain.

The total area of purchased and annexed territory, included in the national and public domain since 1803, is 2,763,636 square miles, or 1,768,727,040 acres, at a total cost of $88,157,389.98 for purchase, and including the Georgia cession of 1802, $6,200,000.

THE PUBLIC DOMAIN—CONTROL AND DISPOSITION.

The public domain embraces the area of the lands now owned or heretofore disposed of by the United States in nineteen States and eleven Territories and parts of Territories, and known as the land States and Territories (see table, pp. 28, 29), the United States being the sole owner of the soil, with entire and complete jurisdiction over the same. Article IV, section 3, paragraph 2, of the Constitution of the United States, provides that "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." This clause relates to property and not to persons or communities. Mr. Madison introduced this clause in the Constitutional Convention. The original clause was: "Congress shall have power to dispose of the waste and unappropriated lands of the United States." This was referred to the committee of detail for revision and incorporation. Mr. Gouverneur Morris, of the committee, wrote the Constitution from the convention notes. This committee changed "lands" into "territory and other property," and the right to "make all needful rules and regulations" was added, so that Congress might protect and regulate all such property until disposed of. The Supreme Court of the United States in The United States *v.* Gratiot (14 Peters, 526) held that "the term 'territory' as here used is merely descriptive of one kind of property, and is equivalent to the word 'lands.' Congress has the same power over it as over any other property belonging to the United States. This power is vested in Congress without limitation." (See United States *v.* Railroad Bridge Co., 6 McLean, 517.)

The United States, through Congress, provides methods of disposition of the public domain under grants, settlement laws, or sales, public or private; may prevent trespass and in all methods retain the entire control over it until sold or otherwise disposed of. "Congress has the absolute right to prescribe the times, the conditions, and the mode of transferring the public domain or any part of it, and to designate the persons to whom the transfer shall be made."

For further authorities upon this subject see the following decisions: Gibson *v.* Chouteau, 13 Wall., 92; Irvine *v.* Marshall, 20 Howard, 558; U. S. *v.* Railroad Bridge Co., 6 McLean, 517; U. S. *v.* Gratiot, 14 Peters, 526; Russell *v.* Lovatte, 21 Minn., 167; Gill *v.* Halleck, 33 Wis., 523; Rose *v.* Buckland 17 Ills., 309; Miller *v.* Little, 47 Cal., 348; Dyke *v.* McVey, 16 Ills., 41; Bagnell *v.* Broderick, 13 Peters, 436; Pollard *v.* Hagan, 3 Howard, 212.

Change in political condition, as in a Territory becoming a State, or change of boundary of a Territory or State, in no wise affects the absolute and complete proprietary power of the National Government over the public domain. It remains until the last acre is disposed of.

STIPULATION AS TO CONTROL AND NON-TAXATION OF PUBLIC DOMAIN FROM STATES ON ADMISSION.

The United States stipulates, upon the admission of a State into the Union from a Territorial condition or otherwise, and wherein lie public lands, that the National Government shall continue to dispose of such lands under its own laws and systems, and provides that there shall be no law passed to interfere with the primary right of disposition by the Nation of the public domain, and continues by its land officers to convey and dispose of the public domain as though the Territorial condition had not changed.

No tax can be laid upon the public lands by a State or power other than Congress, who may lease, sell, or otherwise dispose of them. "No State law, whether of limitations or otherwise, can defeat the title of the United States to public land within the limits of a State." (Jourdan *v.* Barrett, 4 Howard, 169.)

"In the admission of a new State into the Union, compacts are entered into with the Federal Government that they will not tax the lands of the United States." (U. S. *v.* Railroad Bridge Co., 6 McLean, 517.)

"No State formed out of the territory of the United States has a right to the public lands within its limits or can exercise any power whatever over them." (Turner *v.* Missionary Union, 5 McLean, 344.) See also, U. S. *v.* Gratiot, 14 Peters, 526; Bump's Fotes of Constitutional Decisions, title "Territories"; State *v.* Batchelder, 5 Minn., 223.

AREA DISPOSED OF AND ESTIMATED AMOUNT REMAINING.

According to estimates the aggregate area of the public lands of the United States disposed of and remaining on the 30th of June, 1880, was 2,894,235.91 square miles, or 1,852,310,987 acres. The territory now included within the limits of Tennessee, was as substantially a portion of said domain as Ohio or Indiana, yet the public lands in Tennessee were not disposed of under the direction of the executive department of the General Government.

The area of Tennessee was 45,600 square miles, or 29,184,000 acres, and which should in fact be deducted from the above estimate. The actual public domain is 1,821,700,922 acres.

The United States has surveyed to June 30, 1880, in the land States and Territories, 752,557,195 acres of the public domain. There are remaining yet unsurveyed, estimated, 1,069,143,727 acres.

The surveyed lands yet undisposed of are estimated at 204,802,711.12 acres, which, with the unsurveyed, make a grand total of 1,273,946,438.12 acres of land still the prop-

erty of the United States and subject to disposition. Deducting (estimated) 110,000,000 acres, yet required to fill railroad grants, if roads as chartered and granted are completed, the actual area, still the property of the Nation, is 1,163,946,438.12 acres. This includes the area of private land claims, patented and unpatented, estimated at 80,000,000 acres. This also includes the area of military and Indian reservations, estimated at 156,306,154.65 acres, of which probably more than 100,000,000 acres will revert to the public domain for future sale and disposition. It can be estimated that the total public domain to be disposed of will not vary much from 1,163,946,438.12 acres, equal to 7,274,665.24 homesteads of 160 acres each.

SURVEYED AND UNSOLD LANDS.

The surveyed and unsold lands lie in the following land States and Territories (estimated):

	Acres.
In Iowa, Indiana, Illinois, and Ohio, practically none.	
Minnesota	13,383,813.10
Kansas	28,049,731.54
Nebraska	23,958,652.59
California	25,250,680.47
Nevada	8,337,671.58
Oregon	12,906,700.66
Washington	9,088,338.93
Colorado	20,489,312.28
Utah	5,685,054.28
Arizona	1,561,231.13
New Mexico	6,042,409.46
Dakota	12,225,492.00
Idaho	3,925,237.16
Montana	5,779,452.42
Wyoming	5,645,121.75
Missouri	1,000,000.00
Wisconsin	5,440,338.19
Michigan	853,214.56
Total	189,622,455.12

This estimate is probably within 20 per cent. of the exact amount. Official causes prevent a closer estimate.

A large amount of the above estimated vacant surveyed public lands may be at present occupied by settlers or persons holding under the effect of the doctrine announced by the Supreme Court of the United States in Atherton *v.* Fowler and Hosmer *v.* Wallace. Neither the United States nor the local land officers have any official knowledge of the amount so occupied.*

* The effect of the decision of the Supreme Court of the United States, in Atherton *v.* Fowler (6 Otto, 513) and Hosmer *v.* Wallace (7 Otto, 575), in construing the pre-emption laws (and laws affecting lands which have not been proclaimed and are not subject to private entry—ordinary surveyed lands) is that parties whether qualified settlers or not, or whether desiring to acquire title or not, may take possession of and hold the surveyed unoffered lands of the United States indefinitely, to the exclusion of parties legally qualified who desire to take the benefit of the pre-emption, homestead, and timber-culture acts. This, in fact, leaves the entire surveyed and unoffered public domain open to occupancy or squatter titles as against the existing laws of the United States. (See Report Commissioner General Land Office, 1879, pp. 44, 45, and report Public Land Commission, February, 1880, urging upon Congress legislation to correct this, and to regulate and limit this occupancy title, without which *bona-fide* settlers are at the mercy of squatters, and the Government powerless to enforce the settlement laws.)

ESTIMATED AREA OF VACANT SURVEYED PUBLIC LANDS IN SOUTHERN STATES.

	Acres.
Florida	3,205,109.00
Alabama	3,516,140.00
Mississippi	3,208,887.00
Arkansas	4,620,120.00
Louisiana	2,130,000.00
Total	16,680,256.00
Deducting lands that by reason of discrepancies in records of local offices and General Land Office are not actually known to be vacant, estimated at not less than	1,500,000.00
Leaving a total of	15,180,256.00
Add total of other States and Territories, as above	189,622,455.12
Total surveyed and still to be disposed of	204,802,711.12

In the Southern States, lands are all open to private entry, at the United States district land offices in the respective States, at $1.25 per acre, except the "mineral tracts" lying in the Huntsville and Tuscaloosa districts in Alabama, under authority of an act of Congress of July 4, 1876.

The total amount of land owned by the United States in the five Southern States, surveyed and including 1,148,892 acres in Louisiana and 7,756,493 acres in Florida, unsurveyed, is 25,585,641 acres.

The public lands in Florida have been reduced to the extent of about 2,000,000 acres within the last two or three years by the selection of the lands by the State as swamp.

UNSURVEYED LANDS.

The unsurveyed lands lie and are in the following land States and Territories:

	Acres.
Minnesota	13,510,423
Nebraska	7,052,207
California	48,643,592
Nevada	58,436,598
Oregon	37,908,340
Washington	28,836,985
Colorado	40,657,679
Utah	44,282,680
Arizona	67,098,366
New Mexico	67,024,990
Dakota	71,422,103
Idaho	47,739,368
Montana	80,651,676
Wyoming	53,381,485
Louisiana	1,148,892
Florida	7,756,493
Indian Territory	17,150,250
Alaska	369,529,600
Public land strip	6,912,000
Total	1,069,143,727

RECEIPTS FROM AND COST OF THE PUBLIC DOMAIN TO JUNE 30, 1880.

The public lands of the United States, by sales for cash, fees, and commissions, have realized to the National Government since the passage of the ordinance of May 20, 1785, to June 30, 1880, a total net sum of $200,702,849.11, as follows:*

Prior to June 30, 1796.

	Dollars	Cents
1787, sold at New York, 72,974 acres (cash)	$117,108	24
1796, sold at Pittsburgh, 43,446 acres (certificates and land warrants)	100,427	53
1792, to the State of Pennsylvania, 202,187 acres (certificate of public debt)	151,640	25
1792, to John Cleves Symmes, 272,540 acres (Army land warrants)	189,693	00
1792, to Ohio Company, 892,900 acres (certificates and Army land warrants)	642,856	66
Total, 1,484,047 acres	1,201,725	68

Subsequent to June 30, 1796, (*including above total.*)

Year	Dollars	Cents	Year	Dollars	Cents
Prior to June 30, 1796	$1,201,725	68	1838	$3,730,945	66
1796	4,836	13	1839	7,361,576	40
1797	83,540	60	1840	3,411,818	63
1798	11,963	11	1841	1,365,627	42
1799			1842	1,335,797	58
1800	443	75	1843	898,158	18
1801	167,726	06	1844	2,059,939	80
1802	188,628	02	1845	2,077,022	30
1803	165,675	69	1846	2,694,452	48
1804	487,526	79	1847	2,498,355	20
1805	540,193	80	1848	3,328,642	56
1806	765,245	73	1849	1,688,959	55
1807	466,163	27	1850	1,859,894	25
1808	647,939	06	1851	2,352,305	30
1809	442,252	33	1852	2,043,239	58
1810	696,548	82	1853	1,667,084	99
1811	1,040,237	53	1854	8,470,798	39
1812	710,427	78	1855	11,497,049	07
1813	835,655	14	1856	8,917,644	93
1814	1,135,971	09	1857	3,829,486	64
1815	1,287,959	28	1858	3,513,715	87
1816	1,717,985	03	1859	1,756,687	30
1817	1,991,226	06	1860	1,778,557	71
1818	2,606,564	77	1861	870,658	54
1819	3,274,422	78	1862	152,203	77
1820	1,635,871	61	1863	167,617	17
1821	1,212,966	46	1864	588,333	29
1822	1,803,581	54	1865	996,553	31
1823	916,523	10	1866	665,031	03
1824	984,418	15	1867	1,163,575	76
1825	1,216,090	56	1868	1,348,715	41
1826	1,393,785	09	1869	4,620,344	34
1827	1,495,845	26	1870	3,350,481	76
1828	1,018,308	75	1871	2,388,646	68
1829	1,517,175	13	1872	2,575,714	19
1830	2,329,356	14	1873	2,882,312	38
1831	3,210,815	48	1874	1,852,428	93
1832	2,623,381	03	1875	1,413,640	17
1833	3,967,682	55	1876	1,129,466	95
1834	4,857,600	69	1877	976,253	68
1835	14,757,600	75	1878	1,079,743	37
1836	24,877,179	86	1879	924,781	06
1837	6,776,236	52	1880	2,283,118	65

Gross receipts by United States		208,059,657 14
Deduct amount paid to the several States under the two, three, and five per cent. fund acts	$7,123,549 83	
Deduct cash paid several States, percentage of land sales, for internal improvements—act September 4, 1841	233,258 20	
		7,356,808 03
Net receipts by United States		200,702,849 11

* This table is from the books of the Treasury Department.

COST OF THE PUBLIC DOMAIN.

PURCHASES AND CESSIONS.

The public domain of the United States has cost in cash, stocks or bonds, paid, or to be paid, by the Nation, for purchase-price under treaty stipulations, the following sums:

The Louisiana purchase, 1803			$27,267,621 98
(There are a number of claims yet due to Americans for "French spoliation.")			
The Florida purchase of 1819			6,489,768 00
The Mexican acquisition by treaty of Guadalupe Hidalgo, 1848			15,000,000 00
Purchase from the State of Texas, act of September 9, 1850:			
Stock issued	$5,000,000		
Interest	3,500,000		
		$8,500,000	
Act of February 28, 1855		7,500,000	
			16,000,000 00
Purchase from Mexico, Gadsden, 1853			10,000,000 00
Purchase from Russia, Alaska, 1867			7,200,000 00
Purchase from Georgia, her cession 1802, and Yazoo-scrip claims			6,200,000 00
			88,157,389 98

The above is exclusive of expenses of commissioners to make treaties, and salaries and expenses of commissioners to fix boundaries, &c., under the several treaties. For a list thereof, paid by the Department of State, see Senate Ex. Doc., No. 38, second session, Forty-fourth Congress.

EXPENDITURE FOR SURVEY AND DISPOSITION.

Payments from the Treasury, expenditures on account of public lands, surveys, administration, salaries, &c., from January 1, 1785, to June 30, 1880, were (estimated) $46,563,302.07, as follows:

March 1, 1784, *to September* 30, 1842.

Expenses of surveying public lands, including all expenses prior to 1812, the date of creation of General Land Office	$3,545,268 90	
Salaries of surveyors-general and their clerks	831,195 36	
		$4,376,464 26
Amount paid at the district land offices for salaries and commissions of the officers, and for incidental expenses		3,867,228 99
Salaries of land officers paid at the United States Treasury		99,370 70
Salaries and contingent expenses of the General Land Office, at the seat of Government, from its establishment in 1812		1,623,546 19
Total		9,966,610 14

From September 30, 1842, *to June* 30, 1880 (*including above total*).

Years.	Total expenses of the local land offices, including salaries, &c., of registers and receivers.	Total expenses of the General Land Office, salaries of all the employés, &c.	Aggregate.
Prior to and including 1842	*$3,966,599 69	†$1,623,546 19	$5,590,105 88
1843	130,677 07	49,250 00	179,927 07
1844	134,986 94	98,500 00	233,486 94
1845	158,342 40	98,500 00	256,842 40
1846	155,116 03	96,500 00	251,616 03
1847	177,211 92	83,888 00	261,099 92
1848	182,152 45	84,788 75	246,941 20
1849	140,888 01	88,788 75	229,676 76
1850	139,859 14	92,788 75	225,647 89
1851	153,341 17	118,413 75	271,754 92
1852	154,491 67	158,822 50	313,314 17
1853	126,118 67	159,516 00	278,634 67
1854	311,938 24	169,831 00	481,769 24
1855	408,044 68	186,075 00	594,119 68
1856	360,691 14	234,311 00	595,002 14
1857	261,533 92	315,995 00	577,528 92
1858	261,405 85	314,090 00	575,495 85
1859	238,138 83	307,000 00	585,138 83
1860	237,237 09	288,090 00	525,327 09
1861	80,079 12	276,290 00	356,369 12
1862	77,364 67	277,840 00	355,204 67
1863	127,895 15	265,840 00	393,735 15
1864	81,304 89	235,840 00	317,144 89
1865	110,070 05	233,840 00	343,910 05
1866	132,863 09	236,840 00	369,703 09
1867	90,601 24	234,080 00	324,681 24
1868	102,815 64	236,880 00	339,655 64
1869	152,606 46	234,360 00	386,966 46
1870	161,388 88	246,840 00	408,228 88
1871	139,244 19	234,360 00	383,604 19
1872	353,028 10	247,560 00	600,588 10
1873	365,355 15	246,060 00	611,415 15
1874	376,318 28	286,060 00	662,378 28
1875	365,483 21	329,560 00	695,043 21
1876	385,982 49	322,657 51	708,640 00
1877	352,230 86	213,640 00	565,870 86
1878	408,434 12	213,640 00	622,074 12
1879	409,364 59	220,360 00	629,724 59
1880	482,143 68	304,220 00	786,363 68
Total			22,094,611 07

* Total expenses of local land offices including salaries, &c., of registers and receivers, from 1812 to September 30, 1842.

† Total expenses of General Land Office, salaries of all employés, &c., from 1812, the date of its establishment, to September 30, 1842.

Surveys cost to June 30, 1880, estimated (including salaries of clerks and expenses of surveyors-general)	24,468,691 00
Executive departments and administration, estimated	22,094,611 07
In all	46,563,302 07

QUIETING AND PURCHASING THE OCCUPANCY-TITLE OF INDIANS TO PUBLIC DOMAIN.

The expenses of the Indian Department, on account of holding treaties, &c., and including yearly payments for annuities and other charges, which are, in fact, in consideration for surrender of occupancy-title of lands to the Government, from July 4, 1876, to June 30, 1880, was $187,328,903.91, annually as follows:

Year	Amount
July 4, 1776, to December 31, 1776	$42,928 64
1777	57,622 29
1778	10,322 11
1779	3,326 45
1780	2,337 79
1781	2,195 60
1782	905 00
1783	1,718 00
1784	4,534 48
1785	8,738 88
1786	27,092 35
1787	750 00
1788	4,747 10
1789 and 1790	2,650 00
1791	27,000 00
1792	13,648 85
1793	27,282 83
1794	13,042 46
1795	23,475 68
1796	113,563 98
1797	62,396 58
1798	16,470 09
1799	20,302 19
1800	31 22
1801	9,000 00
1802	94,000 00
1803	60,000 00
1804	116,500 00
1805	196,500 00
1806	234,200 00
1807	205,425 00
1808	213,575 00
1809	337,503 84
1810	177,625 00
1811	151,875 00
1812	277,845 00
1813	167,358 28
1814	167,394 86
1815	530,750 00
1816	274,512 16
1817	319,463 71
1818	505,704 27
1819	463,181 39
1820	315,750 01
1821	477,005 44
1822	575,007 41
1823	380,781 82
1824	429,987 90
1825	724,106 44
1826	743,447 83
1827	750,624 88
1828	705,084 24
1829	576,344 74
1830	622,262 47
1831	930,738 04
1832	$1,352,419 75
1833	1,802,980 93
1834	1,003,953 20
1835	1,706,444 48
1836	5,037,022 88
1837	4,348,036 19
1838	5,504,191 34
1839	2,528,917 28
1840	2,331,794 86
1841	2,514,837 12
1842	1,199,099 68
1843*	578,371 00
1844	1,256,532 39
1845	1,539,351 35
1846	1,027,693 64
1847	1,430,411 30
1848	1,252,296 81
1849	1,374,161 55
1850	1,663,591 47
1851	2,829,801 77
1852	3,043,576 04
1853	3,880,494 12
1854	1,550,339 55
1855	2,772,990 78
1856	2,644,263 97
1857	4,354,418 87
1858	4,978,266 18
1859	3,490,534 53
1860	2,991,121 54
1861	2,865,481 17
1862	2,327,948 37
1863	3,152,032 70
1864	2,629,975 97
1865	5,059,360 71
1866	3,295,729 32
	103,369,211 42
	53,286 61
	103,422,498 03
1867	4,642,351 77
1868	4,100,682 32
1869	7,042,923 06
1870	3,407,938 15
1871	7,426,997 44
1872	7,061,728 82
1873	7,951,704 88
1874	6,692,462 09
1875	8,384,656 82
1876	5,966,558 17
1877	5,277,007 22
1878	4,629,280 28
1879	5,206,109 08
1880	5,945,957 09
	187,328,903 91

In all, a grand total of cash—

For purchases and cessions	$88,157,389 98
For surveying and disposition (part estimated)	46,563,302 07
For Indian occupancy-title, &c	187,328,903 91
Total	322,049,595 96
From the origin of the public domain to the 30th of June, 1880, the net cash receipts therefrom have been	200,702,849 11
From the origin of the public domain to the 30th of June, 1880, the cash expenditures on account of the same have been	322,049,595 96
Deduct receipts from cost	121,346,746 85

To June 30, 1880, the public domain has cost in cash $121,346,746.85 more than it has realized.

COST PER ACRE OF THE PUBLIC DOMAIN.

Purchase and cessions.

The entire public domain contained (estimated) cessions, 259,171,787 acres; purchases, 1,593,139,200 acres; total, 1,852,310,987 acres; cost $88,157,389.98, which is 4$\frac{3}{4}$ cents per acre.

Purchases—cost, $81,957,389.98; contained 1,593,139,200 acres; cost 5$\frac{1}{10}$ cents per acre.

Louisiana purchase—cost, $27,267,621.98; contained 756,961,280 acres; cost 3$\frac{3}{5}$ cents per acre.

East and West Florida, from Spain—cost, $6,489,768; contained 37,931,520 acres; cost 17$\frac{1}{10}$ cents per acre.

Mexico, Guadalupe Hidalgo—cost, $15,000,000; contained 334,443, 520 acres; cost 4$\frac{1}{2}$ cents per acre.

Texas purchase, 1850—cost, $16,000,000; contained 65,130,880 acres; cost 24$\frac{7}{12}$ cents per acre.

Mexico, Gadsden purchase, 1853—cost, $10,000,000; contained 29,142,400 acres; cost 34$\frac{3}{10}$ cents per acre.

Alaska from Russia, 1867—cost, $7,200,000; contained 369,529,600 acres; cost 1$\frac{19}{20}$ cents per acre.

State cessions, from Georgia—cost, $6,200,000; contained 56,689,920 acres; cost 10$\frac{17}{18}$ cents per acre.

The United States has disposed of (estimated) 547,754,483.88 acres of public domain, exclusive of Tennessee, and received therefor, net, $200,702,849.11, or nearly 36$\frac{2}{3}$ cents per acre.

The public domain contains (estimated) 1,852,310,987 acres, and cost for purchase, Indians, survey, and disposition, $322,049,595.96, or about 17$\frac{1}{4}$ cents per acre.

PUBLIC DOMAIN—AS TO LOCATIONS THEREOF AND PAST AREA AND METHODS OF LOCATIONS.

The public domain of the United States has been for almost a century the target for the designs and the hopes of thousands of schemers. It has been but little understood by the mass of the people, and its real benefits but little known outside of occupants thereon. Kept in the steady and strong grasp of able men who have been

at the head of committees of the House and Senate in the Congress of the United States, it may be safely said that they have combated and driven off more than twenty thousand propositions involving grants of lands for all conceivable objects,—for starting goat-farms, dairies, voyages around the earth, trips of exploration to the Arctic regions, schools of a hundred varieties, scientific purposes,—demanding thousands of acres to be sold for the benefit of their schemes.

Quick methods of locomotion—days where it used to be weeks in transportation—easy access to the public lands, the wide-spread and far-reaching railroad system which moves and markets the otherwise nominally valuable crops from the distant West, making possible a market for productions which otherwise would find tardy or no sale; the desire of Anglo-Saxons to own a home; the moving disposition of Americans, their tendency to go on and to keep moving has resulted in the occupancy of most all of the arable public domain.

In the West, a small area in Minnesota, Nebraska, Washington, Oregon, Kansas, Wisconsin, Dakota, and some in the Southern States, which can now be taken under the homestead act, and be bought for cash in Florida, Louisiana, Mississippi, Alabama, and Arkansas, which are now the only States in the Union for which there is a general act of sale, is all that now remains of arable land.

It was estimated, June 30, 1879, that, exclusive of certain lands in Southern States, of lands over which the survey and disposition laws had been extended lying in the West, the United States did not own of arable agricultural public lands, which could be cultivated without irrigation or other artificial appliances, more than the area of the present State of Ohio, viz, 25,576,960 acres.

The facilities with which persons in foreign countries can reach the public domain of the United States, say from the farthest capital in Europe to the public lands in Dakota, in thirty days, at a cost not greater than $70 per person, is fast filling up the remainder of the arable public domain. Under existing settlement laws persons from such points, after declaring their intention to become citizens, can get 160 acres of land for themselves under the homestead act, another 160 acres under the timber-culture act, probably adjoining, and every other member of their families above the age of twenty-one years can have the same privilege for the mere act of going to a court and declaring their intention of becoming citizens of the United States. The immigration of 1879–'80 was above 450,000 souls. The quantity of lands taken in the arable region in the year ending June 30, 1880, was about 7,000,000 acres. At the same rate of absorption the arable lands so situated of the United States will be all taken within three years, or by June 30, 1883.

ESTIMATED DISPOSITION OF PUBLIC DOMAIN.

The disposition of the public domain from its origin to June 30, 1880, is estimated at 547,754,483.88 acres, partially accounted for under the following items:

	Acres.
Cash sales, which include pre-emptions, &c., and probably 30,000,000 or more acres accounted for under other acts, and commutation of homesteads, from establishment of land system to June 30, 1880	169,832,564.61
Donation acts, Florida, Oregon, Washington, and New Mexico	3,084,797.36
Land bounties, military and naval service	61,028,430.00
State-selections (act of 1841) for internal improvements	7,806,554.67
Salines (salt springs and lands adjacent) granted to States	559,965.00
Town sites and county seats	148,916.91
Railroad land grants patented	45,650,026.33
Canal grants	4,424,073.06
Military wagon-road grants	1,301,040.47
Mineral lands sold since 1866	148,621.14

		Acres.
Homesteads, 3,000,000 (estimated) acres of which have been commuted and carried into cash sales above		55,667,044.95
Scrips, enumerated		2,893,034.44
Coal lands		10,750.24
Stone and timber acts of 1878		20,782.77
Swamp and overflowed lands to States, selected or patented, 65,000,000 acres estimated as yet to be established		69,206,522.06
Graduation act of 1841		25,696,419.73
Schools, seminaries, and agricultural colleges:		
Sixteenth and thirty-sixth sections, for schools	67,893,919	
Seminaries and universities	1,165,520	
Agricultural colleges, land in place	1,770,000	
Agricultural colleges, land scrip	7,830,000	
Withdrawn or patented		78,659,439.00
Area held under timber-culture act		9,346,660.93
Desert land act		897,160.57

And various amounts disposed of under special acts, to be found in the Statutes at Large.

RAPID DISPOSITION OF ARABLE LANDS.

The rapidity with which the public lands are being taken under the several settlement and other laws is shown by the following table from June 30, 1879, to June 30, 1880:

Aggregate acres disposed of during fiscal year 1880.

	Acres.
Alabama	350,420.36
Arizona	17,067.09
Arkansas	391,566.96
California	362,903.79
Colorado	194,274.99
Dakota	2,268,808.24
Florida	95,862.80
Idaho	120,323.56
Iowa	9,049.83
Kansas	1,509,748.88
Louisiana	92,780.92
Michigan	250,786.86
Minnesota	854,065.32
Mississippi	66,287.01
Missouri	98,587.54
Montana	108,593.63
Nebraska	1,319,992.91
Nevada	31,661.13
New Mexico	38,356.18
Oregon	240,619.37
Utah	97,818.59
Washington	421,521.67
Wisconsin	167,073.16
Wyoming	44,146.83
Ohio	40.00
Total of	9,152,357.62

Statement showing the aggregate receipts from disposals of public lands in the several States and Territories for the fiscal year ending June 30, 1880.

State or Territory	Receipts
Alabama	$85,599 18
Arizona	18,533 73
Arkansas	68,471 07
California	242,201 39
Colorado	133,585 43
Dakota	347,282 43
Florida	22,955 35
Idaho	48,806 61
Iowa	5,378 84
Kansas	244,971 34
Louisiana	21,807 49
Michigan	137,708 45
Minnesota	188,413 36
Mississippi	18,102 32
Missouri	20,897 04
Montana	49,938 59
Nebraska	168,307 42
Nevada	33,531 10
New Mexico	34,929 82
Oregon	81,886 07
Utah	46,153 37
Washington	152,742 95
Wisconsin	96,720 06
Wyoming	14,195 24
Total	2,283,118 65

This statement contains the gross receipts, including fees of officers, commissions for the United States, and acreage, and moneys received from all other sources.

Table of aggregate receipts of the General Land Office during the fiscal year ending June 30, 1880, from sales of public lands, as per Annual Report, page 15.

Source	Receipts
Purchase-money of lands sold	$1,255,583 90
Homestead fees and commissions	657,215 18
Timber-culture fees and commissions	196,887 00
Fees on donation certificates	1,805 00
Fees on pre-emption filings	62,965 00
Fees on homestead filings	6,588 00
Fees on mineral applications and protests	21,460 00
Fees on coal filings	362 00
Fees on timber-land entries	1,700 00
Fees on military bounty-land warrants	2,134 50
Fees on agricultural college scrip locations	16 00
Fees on Valentine scrip locations	43 00
Fees on State selections	60 00
Fees on railroad selections	21,705 86
Fees on wagon-road selections	1,711 00
Fees on reducing testimony to writing, or examining and approving testimony in homestead cases, by district land officers, and for transcripts furnished by them from their records	43,214 21
Fees for certified copies furnished by the General Land Office under section 461, Revised Statutes	7,043 05
Fees from miscellaneous sources	9,667 90
Total	2,290,161 60

The aggregate disposal of public lands in acres for the year was 9,152,357.62 acres, so that the lands sold and disposed of realized a fraction over 24 cents an acre, including almost a half of the total amount received, which was for fees and miscellaneous services. The acreage money received, deducting those items, will hardly equal 13 cents per acre. Deducting the cost of survey and disposition the lands realized about 7 cents per acre net. The homestead is now the popular method of taking public lands, and the fees therefrom hardly pay the expense of survey and disposition. Cash sales of offered lands in the West have almost ceased, there being but a small portion of the public domain therein so offered. Pre-emptions and homestead commutations are the classes from which cash sales are mostly derived. In the near future, with the absorption of the arable lands, the cash revenues from public lands will be small and chiefly derived from mineral and desert lands, or from timber lands if sold in large blocks. The actual cash receipts for lands sold in 1879-'80 were but a fraction over one-half of the gross sum received.

CASH SALES OF LANDS FOR TWENTY YEARS.

The following statement shows the quantity of land sold for cash by the United States from June 30, 1860, to June 30, 1880, a period of twenty years. This embraces all characters of cash sales:

Period	Amount
From June 30, 1860, to June 30, 1861	$1,465,603 57
From June 30, 1861, to June 30, 1862	144,849 97
From June 30, 1862, to June 30, 1863	91,354 10
From June 30, 1863, to June 30, 1864	432,773 90
From June 30, 1864, to June 30, 1865	557,212 53
From June 30, 1865, to June 30, 1866	388,294 15
From June 30, 1866, to June 30, 1867	756,619 61
From June 30, 1867, to June 30, 1868	914,941 33
From June 30, 1868, to June 30, 1869	2,899,544 30
From June 30, 1869, to June 30, 1870	2,159,515 81
From June 30, 1870, to June 30, 1871	$1,389,982 37
From June 30, 1871, to June 30, 1872	1,370,320 15
From June 30, 1872, to June 30, 1873	1,626,266 03
From June 30, 1873, to June 30, 1874	1,041,345 46
From June 30, 1874, to June 30, 1875	745,061 30
From June 30, 1875, to June 30, 1876	640,691 87
From June 30, 1876, to June 30, 1877	740,686 57
From June 30, 1877, to June 30, 1878	877,555 14
From June 30, 1878, to June 30, 1879	622,573 96
From June 30, 1879, to June 30, 1880	850,740 63

Cash entry means consummation of the pre-emption act or commutation of a homestead; purchase at auction or public sale at the district land offices, or afterward by paying at the district land offices the acreage, $1.25, or the proper amount for lands which have been offered at auction for sale and remain unsold. These are called "offered lands," and can be entered by any person in legal subdivisions at any land office in a district where such lands are. The lands in the five Southern public-land States can be entered in this way, as they have all been offered, and can only be taken at private sale or under the homestead act.

ESTIMATED CHARACTER AND QUANTITY OF PUBLIC DOMAIN REMAINING JUNE 30, 1880.

The remaining public domain, including Alaska, consists of (estimated) 1,163,946,438.12 acres; deducting Alaska, 369,529,600 acres, there remain 794,416,838.12 acres, surveyed and unsurveyed, lying and being in the land States and Territories.

	Acres.
The timber lands are estimated at	85,000,000.00
The coal lands (estimated), to be increased by a large acreage by classification and survey of at present unclassified and unsurveyed lands	5,529,970.00
Lands containing known precious metal and other valuable mineral deposits—subject to a great increase by new discoveries, as there are large areas of the public domain still unexplored, which future exploration and survey will classify—are estimated at	64,800,000.00

		Acres.
The arable lands remaining in western land States and Territories over which the laws of the United States as to survey and disposition have been extended (estimated)		17,800,000.00
The lands in the Southern States—		
Surveyed and vacant	15,180,256	
Surveyed, but probably occupied	1,500,000	
Unsurveyed	8,905,385	
		25,585,641.00
Irrigable lands which can be taken under desert-land act, say one-twentieth of remainder (lands which may be irrigated from present water supply)		30,000,000.00
The remainder, pasturage, grazing, desert, and all other lands are useless for agriculture by reason of altitude, lack of water or soil, and includes balance of lands likely to be segregated for private land grants, &c., still unsatisfied, and Indian and military reservations, and includes the unsurveyed area of Indian Territory, viz, 17,150,250 acres		565,701,227.12

These estimates are based upon tables from the General Land Office and from the testimony and estimates in the "Report of the Public Land Commission," February 24, 1880.

ESTIMATE OF THE VALUE OF THE REMAINING PUBLIC DOMAIN, BASED ON PRESENT ACREAGE, FOR THE SEVERAL CLASSES.

These lands, by sale, can produce in value to the United States—	
Coal lands, 5,529,970 acres, at average of $13 per acre (medium between $10 and $20 per acre, as shown by sales)	$71,889,610
Timber lands, at $2.50 per acre, 85,000,000 acres	212,500,000
(If timber is sold and fee to land remains in the United States, a largely increased acreage to the public domain will remain.)	
Mineral lands, $2.50 and $5 per acre (medium, as shown by sales, $3.50 per acre) 64,800,000 acres	226,800,000
The arable lands, if sold, $1.25 per acre, 17,800,000 acres (if entered under present settlement laws they will produce nothing above cost of survey and selling or disposing.)	22,250,000
The lands in the Southern States, if sold at $1.25 per acre, 25,585,641 acres, would realize (but if taken under the present settlement laws they will probably bring nothing to the Treasury above cost of survey and selling or disposing.)	31,982,051
The irrigable lands, at $1.25 per acre, 30,000,000 acres	37,500,000
The remainder, a fair portion surveyed and unoccupied, being pasturage, grazing, &c. This area contains a vast amount of mineral land yet undeveloped—565,701,277.12 acres, at $1.25 per acre, present price, deducting area (estimated) of private land grants yet unpatented, say 65,701,777.12 acres. This also includes the area of public lands now in military reservations, 2,920,580.65; and the area of public lands in Indian reservations, 153,385,574.	
The military reservations, and two-thirds of the area of the Indian reservations, if the policy of the past few years is to continue, will eventually go back into the public domain for sale and disposition, a balance in round numbers of 500,000,000 acres, at $1.25 per acre...	625,000,000

The mineral lands, coal and precious metal, embraced in this (yet undeveloped and undefined), and such portions as shall prove to be irrigable, together with the area of unsurveyed arable lands in Indian Territory deducted. The value of the remainder (grazing and pasturage lands) of this immense area is not placed at more than ten cents per

acre by competent persons. In the event of its sale in large tracts subdivision lines would not be run, so the United States might realize five cents an acre for it, in all a nominal total gross value of (above cost of survey and disposition)		1,227,921,661
Less cost of surveying and disposition of the remainder of the public lands based upon former costs	$40,000,000 00	
Less quieting Indian titles to public lands (estimated)	38,000,000 00	
		78,000,000
Estimated total value under present laws, exclusive of Alaska		1,149,921,661
The area at present held under various laws and yet to be paid for, and which will be covered into the Treasury of the United States, is estimated at		$10,000,000
Which added to the above would make the total value		1,159,921,661

It has required since 1785 to sell and dispose of a less quantity of the public land than the above estimates cover; besides, the agricultural lands are now about absorbed, and the movement westward in search of free government lands must soon cease. It will require a vastly greater period of time to dispose of the remaining public domain than the ninety-five years that were requisite to dispose of the lands sold prior to June 30, 1880. Mineral lands require long periods to develop, and timber lands require a market for their product. If the present laws as to sale and disposition continue in force no reasonable estimate of the time required to dispose of the remaining public lands can be made. Reorganization of the land system, as to sales and disposition, and an accounting of and definition of the character of the remaining public lands, are now required to secure proper results in the future.

A thorough and exact examination of Alaska by competent persons is of moment, and is necessary for the purpose of giving the Government full details and information as to the mineral and other resources of that region.

Private enterprise will best develop the possibility of reclaiming the desert lands of the public domain. The United States, in view of the results of the swamp-land grants, would best part title direct to the desert lands. If granted free of acreage in sufficient quantity, these lands may be developed by private interests.

Historical and statistical table of the United States and Territories, showing the area of each new States into the Union; and the population of each

Civil divisions.	Act organizing Territory.	United States Statutes.		Ratified Constitution of the United States.	United States Statutes.		* Admission took effect.
		Vol.	Page.		Vol.	Page.	
THE THIRTEEN ORIGINAL STATES.							
New Hampshire				June 21, 1788			
Massachusetts				Feb. 6, 1788			
Rhode Island				May 29, 1789			
Connecticut				Jan. 9, 1787			
New York				July 26, 1788			
New Jersey				Dec. 18, 1787			
Pennsylvania				Dec. 12, 1787			
Delaware				Dec. 7, 1787			
Maryland				Apr. 28, 1788			
Virginia				June 26, 1788			
North Carolina				Nov. 21, 1789			
South Carolina				May 23, 1788			
Georgia				Jan. 2, 1788			
LEGISLATIVE STATES—STATES ADMITTED.				Act admitting State.			
Kentucky				Feb. 4, 1791	1	189	June 1, 1792
Vermont				Feb. 18, 1791	1	191	Mar. 4, 1791
Tennessee				June 1, 1796	1	491	June 1, 1796
Maine				Mar. 3, 1820	3	544	Mar. 15, 1820
Texas				Dec. 29, 1845	9	108	Dec. 29, 1845
West Virginia				Dec. 31, 1862	12	633	June 19, 1863
PUBLIC LAND STATES AND TERRITORIES.							
States.							
Ohio				Apr. 30, 1802	2	173	Nov. 29, 1802
Louisiana	Mar. 3, 1805	2	331	Apr. 8, 1812	2	701	Apr. 30, 1812
Indiana	May 7, 1800	2	58	Dec. 11, 1816	3	399	Dec. 11, 1816
Mississippi	Apr. 7, 1798	1	549	Dec. 10, 1817	3	472	Dec. 10, 1817
Illinois	Feb. 3, 1809	2	514	Dec. 3, 1818	3	536	Dec. 3, 1818
Alabama	Mar. 3, 1817	3	371	Dec. 14, 1819	3	608	Dec. 14, 1819
Missouri	June 4, 1812	2	743	Mar. 2, 1824	3	645	Aug. 10, 1821
Arkansas	Mar. 2, 1819	3	493	June 15, 1836	5	50	June 15, 1836
Michigan	Jan. 11, 1805	2	309	Jan. 26, 1837	5	144	Jan. 26, 1837
Florida	Mar. 30, 1822	3	654	Mar. 3, 1845	5	742	Mar. 3, 1845
Iowa	June 12, 1838	5	235	Mar. 3, 1845	5	742	Dec. 28, 1846
Wisconsin	Apr. 20, 1836	5	10	May 29, 1849	9	233	May 29, 1848
California				Sept. 9, 1850	9	452	Sept. 9, 1850
Minnesota	Mar. 3, 1849	9	403	Feb. 26, 1857	11	166	May 11, 1858
Oregon	Aug. 14, 1848	9	323	Feb. 14, 1859	11	383	Feb. 14, 1859
Kansas	May 30, 1854	10	277	Jan. 29, 1861	12	126	Jan. 29, 1861
Nevada	Mar. 2, 1861	12	209	Mar. 21, 1864	13	30	Oct. 31, 1864
Nebraska	May 30, 1854	10	277	Feb. 6, 1867	14	391	Mar. 1, 1867
Colorado	Feb. 28, 1861 Mar. 3, 1875	12 18	172 474	Mar. 3, 1875	18	474	Aug. 1, 1876
Territories.							
Wyoming	July 25, 1868	15	178				
New Mexico	Sept. 9, 1850	9	446				
Utah	Sept. 9, 1850	9	453				
Washington	Mar. 2, 1853	10	172				
Dakota	Mar. 2, 1861	12	239				
Arizona	Feb. 24, 1863	12	664				
Idaho	Mar. 3, 1863	12	808				
Montana	May 26, 1864	13	85				
Alaska	July 27, 1868	15	240				
Indian Territory							
District of Columbia	July 16, 1790 Mar. 3, 1791	1 1	130 214				
"Public land strip"							
Total							

* Thirteen original States upon ratification of the Constitution of United States.
† Estimated.

in square miles and in acres; the date of organization of Territories; date of admission of State and Territory at the taking of the last census in 1880.

Area of the States and Territories.		No. of counties in each State and Territory, 1878.	Number of acres surveyed up to June 30, 1880.	Area remaining unsurveyed on the 30th June, 1880.	Population in 1870.	Population in 1880.	Admitted under President—
In square miles.	In acres.						
9, 280	5, 939, 200	10	......	......	318, 300	346, 984	
7, 800	4, 992, 000	14	......	......	1, 457, 351	1, 783, 012	
1, 306	835, 840	5	......	......	217, 353	276, 528	
4, 750	3, 040, 000	8	......	......	537, 454	622, 683	
47, 000	30, 080, 000	60	......	......	4, 382, 759	5, 083, 810	
8, 320	5, 324, 800	21	......	......	906, 096	1, 130, 983	
46, 000	29, 440, 000	67	......	......	3, 521, 951	4, 282, 786	
2, 120	1, 356, 800	3	......	......	125, 015	146, 654	
11, 124	7, 119, 360	23	......	......	780, 894	934, 632	
38, 348	24, 542, 720	105	......	......	1, 225, 163	1, 512, 806	
50, 704	32, 450, 560	94	......	......	1, 071, 361	1, 400, 047	
34, 000	21, 760, 000	33	......	......	705, 606	995, 622	
58, 000	37, 120, 000	137	......	......	1, 184, 109	1, 539, 048	
37, 680	24, 115, 200	117	......	......	1, 321, 011	1, 648, 708	Geo. Washington.
10, 212	6, 535, 680	14	......	......	330, 551	332, 286	Do.
45, 600	29, 184, 000	94	......	......	1, 258, 520	1, 542, 463	Do.
35, 000	22, 400, 000	16	......	......	626, 915	648, 945	James Monroe.
274, 356	175, 587, 840	151	......	......	818, 589	1, 592, 574	James K. Polk.
23, 000	14, 720, 000	54	......	......	442, 014	618, 443	Abraham Lincoln.
39, 964	25, 576, 960	88	25, 576, 960	......	2,665,260	3, 198, 239	Thomas Jefferson.
41, 346	26, 461, 440	58	25, 312, 548	1, 148, 892 00	726,915	940, 103	James Madison.
33, 809	21, 637, 760	92	21, 637, 760	......	1,680,637	1, 978, 362	Do.
47, 156	30, 179, 840	75	30, 179, 840	......	827,922	1, 131, 592	Do.
55, 414	35, 465, 093	102	35, 465, 093	......	2,539,891	3, 078, 769	James Monroe.
50, 722	32, 462, 115	67	32, 462, 115	......	996,992	1, 262, 794	Do.
65, 370	41, 836, 931	115	41, 836, 931	......	1,721,295	2, 168, 804	Do.
52, 202	33, 410, 063	74	33, 410, 063	......	484,471	802, 564	Andrew Jackson.
56, 451	36, 128, 640	76	36, 128, 640	......	1,184,059	1, 636, 331	Do.
59, 268	37, 931, 520	39	30, 175, 027	7, 756, 493 00	187,748	267, 351	John Tyler.
55, 045	35, 228, 800	99	35, 228, 800	......	1,194,020	1, 624, 620	Do.
53, 924	34, 511, 360	60	34, 511, 360	......	1,054,670	1, 315, 480	James K. Polk.
157, 801	100, 992, 640	52	52, 349, 048	48, 643, 592. 00	560, 247	864, 686	Millard Fillmore.
83, 531	53, 459, 840	71	39, 949, 417	13, 510, 423. 00	439, 706	780, 806	Franklin Pierce.
95, 274	60, 975, 360	23	23, 067, 020	37, 908, 340. 00	90, 923	174, 767	James Buchanan.
80, 891	51, 776, 240	76	51, 770, 240	......	364, 399	995, 966	Do
112, 090	71, 737, 600	14	13, 301, 002	58, 436, 598. 00	42, 491	62, 265	Abraham Lincoln.
75, 995	48, 636, 800	62	41, 584, 593	7, 052, 207. 00	122, 993	452, 433	Andrew Johnson.
104, 500	66, 880, 000	30	26, 222, 231	40, 657, 679. 00	39, 864	194, 649	U. S. Grant.
97, 883	62, 645, 120	5	9, 263, 635	53, 381, 485. 10	9, 118	20, 788	
121, 201	77, 568, 640	12	10, 543, 650	67, 024, 990. 00	91, 874	118, 430	
84, 476	54, 064, 640	20	9, 731, 960	44, 282, 680. 00	86, 786	143, 906	
69, 994	44, 796, 160	24	15, 959, 175	28, 836, 985. 00	23, 955	75, 120	
150, 932	96, 596, 480	34	25, 174, 377	71, 422, 103. 00	14, 181	135, 180	
113, 916	72, 906, 240	6	5, 807, 874	67, 098, 366. 00	9, 658	40, 441	
86, 294	55, 228, 160	10	71, 488, 792	47, 739, 368. 00	14, 999	32, 611	
143, 776	92, 016, 640	10	11, 364, 964	80, 651, 676. 00	20, 595	39, 157	
577, 390	369, 529, 600	......	......	369, 529, 600. 00	(†)70, 000	......	
68, 991	44, 154, 240		27, 003, 990	17, 150, 250. 00	(‡)	(‡)	
60	38, 400	......	......	......	131, 700	177, 638	
10, 800	6, 912, 000	......	......	6, 912, 000. 00	......	......	
3, 591, 066	2, 298, 282, 240	2, 420	752, 557, 195	1, 069, 143, 727. 10	38,900,898§	50, 152, 866	

Total population of States in 1880, 49,369,595; Territories, 605,633.

‡ No census taken.

§ Including 272,527 Indians not taxed.

CHAPTER II.

ENGLISH COLONIZATION IN AMERICA, AND COLONIAL CHARTERS.

1579-1774.

The voyages of the early French, Spanish, English, and Dutch navigators to the Western World, with the fabulous stories told by them on their return, incited adventurers, and opened a wide field for the settlement of colonies and for the advancement and strengthening of national power and arms. Great Britain took hold of the subject of colonization more vigorously than any other nation, and soon, by energy, enterprise, and arms, added a great portion of the Atlantic front of North America and the interior as far back as the Mississippi River to the British Crown.

After Gilbert's and Raleigh's attempt to locate colonies under the British flag, from 1583 to 1607, there were but few serious efforts by the English at colonization.

But between 1607 and 1733, the settlement at Jamestown and Oglethorpe's arrival in Georgia, a period of 126 years, colonization in America became the rage, and during this interval the thirteen original colonies were settled:

1607. The settlement at Jamestown, Virginia.

1609. Discovery and exploration of the Hudson River, as far as latitude forty-three degrees north, by Henry Hudson, holding a commission from the King of England, but in the service of the States-General of Holland.

1620. The Dutch applied for and obtained permission from James I. to "build some cottages" on Manhattan Island at the mouth of "Hudson's River," and under this license they settled a colony, which they called "New Amsterdam," now New York.

1620. Landing of the Pilgrims from the Mayflower at Plymouth, Massachusetts.

1622. Sir Ferdinando Gorges and John Mason were granted patent for New Hampshire.

1624. First city in Maine chartered—Gorgiana, now York.

1632. Patent of Maryland granted by Charles I. to Lord Baltimore.

1636. Roger Williams founded the city of Providence, Rhode Island.

1640. Delaware ceded by the Indians to its occupants; 1682 sold by the Duke of York to William Penn.

1650. First permanent settlement of Carolina by emigrants from Virginia; granted to Clarendon and others by Charles II. in 1662, and in 1732 separated into North and South Carolina.

1664. New Jersey granted to Lord Berkeley and Sir George Carteret.

1681. Pennsylvania granted to William Penn.

1733. Oglethorpe arrived in Georgia.

OVERLAPPING AND DUPLICATE GRANTS.

Overlapping grants, under charters or patents, were the cause of duplicate claims to lands of many of the colonies, and frequently the occasion of bloodshed. Ignorance

of this Continent prevailed from the fact that it had been explored but a short distance into the interior, and generally by water. Expeditions were met and stopped by Indians, who, swarming near the seaboard and along the navigable streams, gave the impression of a vast and teeming population in the interior. So the early navigators, whose forces were usually composed of sailors and adventurers, few in number, were reluctant to undertake land explorations.

The Crown of Great Britain in several instances gave grants for the same territory, which embarrassed the settlement of definite limits and produced difficulties. There was great ignorance among the geographers of the sixteenth century as to the area and physical conditions of this Continent, and especially during the early part of 1600, the period when the first settlements or grants were made and charters given for possessions in America.

The revolution of 1688, in England, limited the royal prerogative, and interference with chartered rights by royal authority ceased. Parliament, becoming supreme, assumed many of the former prerogatives exercised by the Crown, and took charge of the colonies. By its legislation, "claiming the right of taxation without representation," it precipitated the war of the American Revolution, and the colonies, by its successful issue, became the United States of America, and the United States, by cessions from the States (former colonies), became proprietor of the former colonial grants beyond the territorial limits of the States themselves, and thus obtained the nucleus of our public domain.

EARLY ENGLISH ATTEMPTS AT COLONIZATION.

In 1579 Sir Humphrey Gilbert, step-brother of Sir Walter Raleigh, under patent from Elizabeth, made the first attempt to plant a colony in America. Storms and an enemy forced him back. In 1583 he sailed again. Landing at Newfoundland he erected a column, but leaving the country on his return voyage, in the same year, he, with all on board his vessel, were lost at sea.

In 1584 Elizabeth of England, March 25, granted a charter to Sir Walter Raleigh, known as the North Carolina charter. Amidas and Barlow, under his command, sailed for America on the 27th of April, 1584, and reached Cuba in July of the same year. Departing northward they landed upon Wocoken Island, the southernmost of the group which form Ocracock Inlet, on the shores of North Carolina, and having explored Pamlico and Albemarle Sounds and visited the island of Roanoke they took possession of the territory in the name of Elizabeth, and returned to England. The queen knighted Raleigh, who had named the region Virginia (in honor of her unmarried state). Two other colonial attempts were made by Raleigh in America, viz, one in 1585 and one in 1587, both on Roanoke Island, lying between Albemarle and Pamlico Sounds on the coast of North Carolina. Sir Francis Drake carried the first colonists back to England after a year of failure. The second, under John White, governor, located on the site of the former city of Raleigh, which was abandoned three years afterwards.

Bartholomew Gosnold attempted a colony under England in 1602. He discovered Cape Cod, Nantucket, and other points. He formed a settlement on one of the Elizabeth Islands, but the party detailed to remain, through fear of Indians and lack of supplies, went on shipboard, and the entire company returned with Gosnold to England.

Martin Pring, in 1603, owing to Gosnold's report, was sent out by Bristol merchants for trade and explorations. He examined the coast of Maine and its rivers, and traded with the natives.

In 1605–'06 Pring made a second voyage and a more thorough survey of Maine.

Elizabeth's reign passed without a permanent English settlement in America.

VIRGINIA.

COLONIZATION.

In 1606, April 10, James I., of England, on petition of Sir Thomas Gates, Sir George Somers, and others, made a grant for the establishment of two colonies, named, respectively, the first and second colonies of Virginia. The first enterprise was confided to a corporation of citizens of London, and is often historically referred to as the "London Company," with headquarters at London, England. The territorial grant of the first colony covered a strip of sea-coast fifty miles broad, extending from the thirty-fourth to the forty-first parallel, with all the islands within one hundred miles of the shore. No settlements in the rear of these limits were to be permitted, except upon written license from the colonial council. To the second colony, consisting of citizens of the city of Plymouth, and hence called the "Plymouth Company," with headquarters at Plymouth, England, was assigned the tract between the thirty-eighth and forty-fifth parallels. The territory between the thirty-eighth and forty-first parallels was then embraced in both charters, but conflict of jurisdiction was avoided by providing that neither colony should establish a settlement within one hundred miles of any actual occupancy of the other.

Prior settlement was to determine the jurisdiction over this belt of three degrees.

The difficulties of colonization compelled the English Government to multiply the attractions for colonists, especially by liberalizing the land tenures. The democratic principle being thus firmly fixed in the social organism, we find no difficulty in tracing its influence upon our political institutions.

In 1607, May 13, the first colony (105 persons, under Wingfield, of the London Company) landed at old Jamestown, on the James or Powhatan River. Wingfield was supplanted in command by Captain John Smith.

A second colony of five hundred persons in nine ships were next sent out from England under Governor De La War. Most of these reached the colony, but the ship with the officers was wrecked on the Bermudas and did not reach the colony at old Jamestown nor join Smith until June, 1610. That colony was in such a deplorable condition that Newport, Somers, and the rest went aboard ship determined to abandon Virginia and sail for Newfoundland, *en route* to England. On their way down the river they met Lord De La War with three ships with colonists and supplies. They then returned to Jamestown.

King James I., May, 1609, on petition, granted a second charter incorporating the London Company, under the title of "The Treasurer and Company of Adventurers and Planters of the City of London for the First Colony in Virginia," and created a council to manage and control it with other necessary officers. The territorial limits of the colony were extended to embrace the whole sea-coast north and south within two hundred miles of Old Point Comfort, extending "from sea to sea, west and northwest," and also "all the islands within one hundred miles along the coast of both seas of the precinct aforesaid," evidently meaning the Atlantic and Pacific Oceans.

The sixth section of said charter was as follows:

[Extract from the second charter of Virginia.]

SEC. 6. And we do also, of our special grace, &c. give, &c. unto the said treasurer and company, &c. all those lands, countries, and territories, situate, lying, and being, in that part of America, called Virginia, from the point of land called cape or point Comfort all along the seacoast to the northward, two hundred miles, and from the said point of cape Comfort, all along the seacoast to the southward, two hundred miles; and all that space and circuit of land lying from the seacoast of the precinct aforesaid, up into the land throughout from sea to sea, west and northwest; and also all the islands lying within one hundred miles along the coast of both seas of the precinct aforesaid.

It transferred to this company the powers which had been before reserved to the King. The supreme council in England was to be chosen by the stockholders, and was independent of the King. The government under orders of the council now became

absolute. Under this second and enlarged charter, the first permanent settlements were made at Henrico and City Point, at the latter under Lord De La War, in 1610, and at the former under Sir Thomas Dale and Sir Thomas Gates, in 1611.

The third charter of Virginia, granted by King James I., March 12, 1612, annexed to Virginia all the islands (Bermudas) within three hundred leagues of the coast and between the thirtieth and forty-first degrees of north latitude, and allowed the company to hold meetings for business—an assembly.

The three charters of Virginia were vacated by the court of King's Bench by *quo warranto* before July 15, 1625, the last year of King James' reign, and the London Virginia Company dissolved after pecuniary losses of more than £150,000 in attempting colonization in America.

In 1619 was held a house of burgesses, or colonial legislature, at Jamestown. It met on the 19th of June, and was the first legislative body in this country for the enactment of laws by deputies of the people for their own government.

In 1625, May 13, Charles I. was crowned, and in the same year he issued a royal proclamation for a commission to govern Virginia, alleging judicial repeal of the charters and transformed the colony into a royal province. After this, the chartered limits of the colony were reduced by including successive portions of it in other colonies. The territory of Maryland, Delaware, and North Carolina, with parts of Pennsylvania, New Jersey, South Carolina, and Georgia, was originally included in the jurisdiction of the London Company. The residuum of the original territory of the first colony of Virginia was claimed by the State of Virginia at the breaking out of the revolutionary war, and was afterwards ceded to the Confederation for national uses.

In 1632 the laws of the colony were amended and improved.

The colony reluctantly accepted the Commonwealth in 1652, and during this period the house of burgesses gained important privileges.

In 1660 they readily accepted Charles II.

In 1676 occurred Bacon's rebellion, a revolt against the tyranny and avarice of the governors, Sir William Berkeley, Arlington, and Culpepper, in exacting excessive taxes and other oppression.

In 1689 William and Mary were acknowledged.

In 1765 Virginia adopted resolutions against the right of any foreign government to levy taxes therein.

In June, 1775, Lord Dunmore, governor from 1772, became so offensive to the people by his intolerance and exactions that he was forced to abandon the capital, which then was Williamsburg, and take refuge on board a man-of-war in James River.

A bill or declaration of rights was adopted by a convention composed of forty-four members of the colonial house of burgesses which met at Williamsburg, May 6, 1776, and which adopted said bill of rights on the 12th of June, 1776.

A constitution was framed by the same convention and adopted by it June 29, 1776.

The constitution thus framed was ratified by the popular vote and remained in force until 1830. On the 25th of June, 1788, Virginia adopted the Constitution of the United States, and thereby became a member of the Union.

She also became successor to the Crown and colony in the ownership of the unappropriated and vacant lands within her limits, and to the land rights of the Crown.

Her enormous western possessions north of the Ohio River were ceded by her to the National Government March 1, 1784. The lands thus ceded lie in the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota.

South of the Ohio she owned the territory of the present State of Kentucky, whose organization into a State she consented to.

The ceding by Virginia of her lands to the National Government, the first definite cession, virtually settled one of the most vexatious of all the questions before the Congress of the Confederation, and gave the first actual public domain for disposition by the Congress of the Confederation.

MASSACHUSETTS.

COLONIZATION.

For several years after the permanent settlement of the Virginia, or first, colony, the second, or Plymouth Company, was unsuccessful; and finally, becoming discouraged in regard to the establishment of colonies within its charter limits, it was reorganized, in 1620, "for location in New England, in America."

This charter was granted November 3, 1620, from the fortieth to the forty-eighth degree of north latitude. It confirmed the grants previously made, and the territory it included, named New England, was placed under the government of the Council of Plymouth, at Plymouth, Devon, England.

A number of Puritans, having been driven from England by the persecutions inflicted upon them during the reign of Elizabeth, had settled at Amsterdam, in Holland. Failing to obtain from James I. a relaxation of the persecuting policy, they determined to seek an asylum in North America, and first directed their attention to the valley of the Hudson. After tedious negotiations with the London Company, of Virginia, for a settlement within the limits of the first colony of Virginia, they finally obtained a patent for a tract of land in the name of John Wincomb, but without explicit assurance of security in the rights of conscience. After some hesitation, they embarked their first company of emigrants upon the Mayflower, at Delft Haven, and after a voyage of sixty-three days they arrived, November 11, 1620, at Provincetown Harbor, Cape Cod, and there signed a compact on ship-board. Sailing northwest along the coast, on December 22, 1620, they landed at Plymouth and begun the foundation of New England. The place of their landing being outside the limits of the first colony of Virginia, their patent from the London Company was useless, and they were compelled to settle upon the territory of the northern colony, trusting to circumstances for legal authority. From this settlement arose one of the noblest reorganizations of society by colonization that history records. Overcoming herculean difficulties of climate and soil, the colonists achieved within the following decade such a measure of success and substantial progress that the Plymouth Company was induced, in spite of aristocratic and ecclesiastical prejudices, to grant them a charter in January, 1630, covering a tract lying between the Cohasset and Narraganset rivers, and extending westward "to the utmost bounds of a country in New England called Pokanoket, alias Sowamset." The grant embraced also a tract lying fifteen miles wide along each side of the Kennebec River, which was subsequently incorporated with the province of Maine. They obtained several other patents or grants from the Plymouth Company after this, but none were confirmed by the Crown.

Lord Sheffield gave a patent, in January, 1623, to the New England Company, for the location of a colony at Cape Ann, but it did not succeed. Other colonies were planted after 1622.

In March, 1628, the Council of Plymouth sold to Sir Henry Roswell, Sir John Young, and four associates, a patent for that part of New England lying between the parallels passing through points three miles north of the mouth of the "Merrimack" and three miles south of the mouth of Charles River, extending westward to the Pacific. This territory, called Massachusetts, from the Indian name of a bay upon its coast, was settled by English nonconformists, who purchased rights under the patent to the Massachusetts Company. On the petition to this company, seconded by the influence of Lord Dorchester, Charles I., March, 1629, confirmed the grant of the Council of Plymouth to Roswell and his followers, with the assignments that had been made under it, in a charter incorporating the colony under the name of "The Governor and Company of Massachusetts Bay," in New England. The officers provided for this colony were appointed at the then seat of government, Plymouth, England, August 29, 1629, and under resolution of the company the official government was transferred to Massachusetts. The colonists under this charter, two hundred in number, settled at Salem in 1630, where John Endicott had arrived in 1628.

In 1630, fifteen hundred colonists, under John Winthrop as governor, arrived and settled at Boston, where the general court assembled and where the capital was now located.

In 1643 the confederacy was formed of the colonies of Massachusetts Bay, Plymouth, Connecticut, and New Haven. Massachusetts at this time included the New Hampshire and Maine settlements.

After the Restoration in England (the colonists having had prior to this internal dissensions), Charles II. appointed a royal commission to examine into the affairs of the colony and to govern it.

The Royal Council of Foreign Plantations, created in 1660, held its first meeting December 10, 1660. At a meeting, March 4, 1661, the New England colonies were considered and the appointment of the committee for the settlement of New England was soon after announced.

A royal commission came to Boston July 23, 1664, headed by Richard Nicolls, *en route* to New York. Their object was to claim New England for the Duke of York under his charter of 1664, to suppress disorders, and settle boundary disputes. The King had resolved upon the consolidation of the New England colonies, and a long and severe struggle ensued.

June 18, 1684, the high court of chancery of England, upon a writ of *quo warranto*, vacated the charter of Massachusetts and the prior grant to Roswell and his associates, with all the assignments made under it.

After the accession of James II., July 6, 1685, on the 20th of December, 1686, Sir Edmund Andros arrived, assumed the governorship, attempted the consolidation of New England, and failed. He was arrested after two years and four months of authority and imprisoned. The general court assembled. The old governor, Danforth, was made acting governor awaiting action of the King, William of Orange, who was accepted and proclaimed in Massachusetts Bay and in Plymouth May 29, 1689. October 7, 1691, William and Mary granted a new charter consolidating the colonies of Massachusetts Bay, New Plymouth, Maine, Acadia or Nova Scotia, and the territory intervening between the two last mentioned, into a single colony under the name of Massachusetts Bay. This charter was the longest in text issued by the British Crown in America, and the most carefully drawn. Sir William Phipps, a native of New England, was the first governor under it.

[Extract from the charter of the Province of the Massachusetts Bay, in New England, October 7, 1691. 3d William and Mary.]

William and Mary, by the grace of God, king and queen of England, Scotland, France, and Ireland, defenders of the faith, &c. to all to whom these presents shall come, greeting:

* * * We do, by these presents, for us, our heirs, and successors, will and ordain, that the territories and colonies commonly called or known by the names of the colony of the Massachusetts Bay and Colony of New Plymouth, the province of Maine, the territory called Acadia or Nova Scotia, and all that tract of land lying between the said territories of Nova Scotia and the said province of Maine, be erected, united, and incorporated; and we do, by these presents, unite, erect, and incorporate the same into one real province, by the name of our province of the Massachusetts Bay in New England; and of our especial grace, certain knowledge, and mere motion, we have given and granted, and by these presents, for us, our heirs, and successors, do give and grant, unto our good subjects the inhabitants of our said province or territory of the Massachusetts Bay, and their successors, all that part of New England in America, lying and extending from the Great River, commonly called Monomack, alias Merimack, on the north part, and from three miles northward of the said river to the Atlantic, or Western sea or ocean, on the south part, and all the lands and hereditaments whatsoever, lying within the limits aforesaid, and extending as far as the outermost points or promontories of land called Cape Cod and Cape Malabar, north and south, and in latitude, breadth, and in length, and longitude, of and within all the breadth and compass aforesaid, throughout the main land there, from the said Atlantic or Western sea and ocean, on the east part, towards the South Sea or westward, as far as our colonies of Rhode Island, Connecticut, and the Naragansett country; and also, all that part and portion of main land, beginning at the entrance of Piscataqua harbor, and so to pass up the same into the river of Newichwannock, and through the same

into the furthest head thereof, and from thence northwestward, till one hundred and twenty miles be finished, and from Piscataqua harbor mouth aforesaid, northeastward along the seacoast to *Sagadehock*,* and from the period of one hundred and twenty miles aforesaid, to cross overland, to the one hundred and twenty miles before reckoned up, into the land from Piscataqua harbor through Newichwannock River; and also the north half of the Isles of Shoals, together with the Isles of Capawock and Nantuckett, near Cape Cod aforesaid; and also the lands and hereditaments lying and being in the country or territory commonly called Acadia, or Nova Scotia, and all those lands and hereditaments lying and extending between the said country or territory of Nova Scotia, and the said river of Sagadehock, or any part thereof.

That it shall and may be lawful for the said governor and general assembly to make or pass any grant of lands lying within the bounds of the colonies formerly called the colonies of the Massachusetts Bay, and New Plymouth, and Province of Maine, in such manner as heretofore they might have done by virtue of any former charter or letters patent; which grants of lands, within the bounds aforesaid, we do hereby will and ordain to be and continue for ever of full force and effect, without our further approbation or consent. And so as nevertheless, and it is our royal will and pleasure, that no grant or grants of any lands lying or extending from the river of Sagadehock to the gulf of St. Lawrence and Canada rivers, and to the main sea northward and eastward, to be made or past by the governor and general assembly of our said province, be of any force, validity, or effect, until we, our heirs or successors, shall have signified our or their approbation of the same.

The grant for Maine to Sir Ferdinando Gorges, of date April 9, 1639, having been purchased by Massachusetts in 1677, Maine was, by this charter, incorporated with the last-named colony. Acadia, which was included in this charter, had been ceded or restored by England to France under the treaty of Breda, in 1667, and the transfer subsequently acknowledged by the treaty of Ryswick, in 1697. On its cession to England by the treaty of Utrecht, in 1712, it became a distinct province, with the line of the Saint Croix for its western boundary, and it now constitutes the provinces of New Brunswick and Nova Scotia.

August 26, 1726, George I., by an explanatory charter, regulated omissions in the original charter as to the legislative and other officials and organized her assembly into a provincial congress at Concord.

The general court in 1778 adopted a constitution which was rejected by the people. Her first State constitution was not adopted until 1780.

She adopted the Constitution of the United States February 6, 1788, and thereby became a member of the Union. She succeeded to the Crown in the ownership of vacant and unoccupied lands and became the proprietor of the same class of lands in Maine. These were all disposed of under State laws. (Maine was admitted into the Union March 15, 1820.) Massachusetts ceded to the United States all clams to western territory lying on an extension westward between latitudinal lines representing the north and south boundary lines of her limits under charter. She claimed lands now in Pennsylvania (sold to that State by the United States in 1792), and in Illinois, Wisconsin, and Michigan. Her cession was dated April 19, 1792.

MAINE.

COLONIZATION.

By the charter granted by Henry IV., of France, to Pierre du Gast, in 1603, North America, between latitude 40° and 46° north, was called under the grant "Acadia." Under and by authority of this grant Passamaquoddy Bay was explored by an expedition in 1604, and the coast of Maine examined in 1605, by still another. The Penobscot, Kennebec, and Saco rivers were visited by this expedition. In 1606 Port Royal

* The following words, viz: "*and up the river thereof to Knybecky River, and through the same to the head thereof, and unto the land northwestward, until one hundred and twenty miles be ended, being accounted from the mouth of Sagadehock*," as inserted in Gorges's grants (from which the descriptive part of the boundaries of Maine in this charter is taken), appear to have been inadvertently omitted, being necessary to render those boundaries intelligible; and should follow the word *Sagadehock*, to which the asterisk is affixed.—NOTE BY ALBERT GALLATIN.

was determined upon as the place for permanent location, and further attempts under this charter to found colonies within the limits of the territorial boundaries of the now State of Maine were abandoned.

By and under the treaty of Paris in 1673 Great Britain took possession of the territory. Although the French abandoned attempts at colonization prior to 1673, they had missionary and trading posts, and traded with the Indians in that portion of Acadia now known as Maine.

Under the first charter of Virginia in 1606, the Plymouth Company began at once to colonize the coast of New England. The first settlement was made in the summer of 1607, August 19, at the mouth of the Kennebec, by one hundred colonists under George Popham. A fortification, store-house, and some cabins were built, and the place called Saint George. But the winter of 1607-'8 was very severe; some of the settlers starved, and some were frozen, the store-house was burned, and when summer came the remnant escaped to England. Among those who perished was George Popham, who died February 5, 1608, O. S., and was buried near the site of Fort Popham, since built by the United States.

By the patent or grant of 1621, William Alexander, Earl of Stirling, claimed that he was entitled to certain lands on the coast of Maine, included in a grant to the Plymouth Company. Under order of James I., the Plymouth Company or Council prior to its dissolution issued patent to the Earl of Stirling for the territory east of the Saint Croix and south of the Saint Lawrence, "for a tract of the main land of New England, beginning at Saint Croix, and from thence extending along the seacoast to Pennequid and the river Kennebec."

August 10, 1622, the Council of Plymouth granted to Sir Ferdinando Gorges (one of its members) and to Captain John Mason, jointly, the lands lying between the Merrimack and Kennebec rivers, under the name of Laconia. On November 7, 1629, the President and Council of Plymouth gave to Captain John Mason a charter covering that portion of the above-described colony of Laconia situated between the two lines, each sixty miles long, traversing the entire length of the Merrimack and Piscataqua Rivers, and joined at their inland extremities by a straight line. In 1631, Gorges, Mason, and others obtained another charter to a portion of Laconia lying on both sides of the Piscataqua. Prior to the dissolution of the Plymouth Council in 1635, Gorges had obtained from it a charter covering all that part of Laconia lying east of the Piscataqua, which was confirmed by the King in 1639, four years after the dissolution of the Council. The remaining area of Maine had been patented to two other parties in two separate tracts, thus dividing the entire province between three patents and consolidating a number of minor grants, under the charter from King Charles I., April 3, 1639, to Sir Ferdinando Gorges, also confirming the charter of August 10, 1622, to Sir Ferdinando Gorges and Captain John Mason. Gorges established a government under it, but by his death in 1647 it was broken up. He chartered the city of Gorgiana, now York, Me., in 1624. He was lord proprietor of Maine, by appointment, with the office hereditary in his family.

Gorges, engaging in the civil war on the royal side, in England, was taken prisoner by the parliamentary forces, and thus compromised his rights under the republican government that followed. The province suffered on the withdrawal of his authority, especially after his death in 1647, from the factious intrigues of ambitious men. The loss and suffering thus entailed inclined the colonists to accept the claim of jurisdiction which Massachusetts began to urge in 1652. This claim was founded upon a new interpretation of the limits of the grant from the Council of Plymouth to Roswell and his associates in 1628. The northern boundary was, by this construction, not the parallel passing three miles north of the mouth of the Piscataqua, but that passing three miles north of its source, or 43° 43′ north latitude, which strikes the Atlantic coast at Casco Bay. During the following year Massachusetts employed skillful mathematicians to make out this new boundary. In 1658 the new line had been generally recognized in the inhabited districts; but in 1664 the King, by letter, ordered the restoration of the province to the heirs of Gorges. In defiance of this order, Massa-

chusetts, in 1666, resumed the government of the province, and in 1668 sent four commissioners, with a troop of horse, to enfore her authority. In 1677 the two lords chief justices of King's bench and of common pleas, to whom this question had been referred, decided adversely to the claim of Massachusetts, the initial point of her northern boundary being fixed three miles north of the mouth of the Merrimack.

March 12, 1664, the Duke of York's grant, including the Province of Maine, was made by Charles II., which merged in the Crown by the accession of the Duke of York to the throne of England as James II., but not before certain other grants had been made thereunder. See also the grant of the Province of Maine, of date June 29, 1674, by Charles II. to James, Duke of York. The unusual privileges under this also merged in the Crown upon the accession of James II.

March 13, 1677, Ferdinando Gorges, grandson of Sir Ferdinando, sold by deed to John Usher, a merchant of Boston, Mass., the Province of Maine, for the sum of £1,250. Usher at once gave a deed of the province to the governor and Company of Massachusetts Bay. This transaction was made anticipating the overtures of the King himself for the same purpose. The claim of Massachusetts, being then generally recognized, was, by the charter of William and Mary, in 1691, definitely legalized. Maine remained as the "District of Maine," governed by Massachusetts, until March 15, 1820, when, by the act of Congress of the United States, she was admitted as a State in the Union. From 1677 up to the date of Maine's admission into the Union, the unoccupied and vacant lands of the grants were disposed of generally under the laws of the general court of Massachusetts until the year 1820. After this period, Maine, being sovereign, took charge of her own lands, and made no cessions to the National Government.

NEW HAMPSHIRE.

COLONIZATION.

That portion of Laconia west of Piscataqua, not having been purchased by Massachusetts, was not thereafter a portion of that province. Several small grants had been located within the present boundaries of the State of New Hampshire by the Plymouth Company in England before the grant made by them to "Captain John Mason, esq.," of London, November 7, 1629, which "said portions of lands, with appurtenances, the said Captain John Mason, with the consent of the president and council, intends to name 'New Hampshire.'"

In 1635 the Plymouth Company in England, before surrendering their charter, divided their property in New England. In the division among themselves the whole of the present State of New Hampshire fell to the lot of Captain John Mason, the grantee in the patent of November 7, 1629.

On April 22, 1635, Charles I, by a confirmatory grant, approved the action of the Plymouth Company under the first grant to Mason.

The settlements on the grants prior to the original Mason grant of 1629 sought the protection of Massachusetts in 1641 and obtained it until 1675. In that year the grandson of John Mason, Robert Mason, obtained a royal decree, under which, September 18, 1679, Charles II., by royal commission (which took effect in 1680), appointed a president, a council, and a general assembly. This commission existed at the pleasure of the King.

In 1689 New Hampshire again voluntarily attached herself to Massachusetts for protection. For a time after this she was subject to the government of New York. This was under the policy of the consolidation of the colonies. In 1740 a tedious controversy with Massachusetts in regard to its south boundary was settled by the lords in council, whose decision, approved by the King, fixed it along a line following the meanderings of the Merrimack at three miles distant on the north side from its mouth

to the falls of the Pawtucket, "and thence due west to meet the other royal governments."

New Hampshire had no constitution until 1776, when one was adopted by a congress, at Exeter, on the recommendation of the Continental Congress, but not submitted to the people. Attempts, without success, were made to form a constitution in 1778 and 1781; but a permanent one was adopted in 1783.

She adopted the Constitution of the United States June 21, 1788, and thereby became a member of the Union. The State became successor to the Crown as to vacant and unoccupied lands, and disposed of them by and under the direction of the laws of her legislature. She had no claims to western territory to cede.

CONNECTICUT.

COLONIZATION.

The charter of 1691 made Massachusetts coterminous on the south with the colonies of Connecticut and Rhode Island. The colonies were erected within the limits of a grant from the Council of Plymouth, in 1630, to its president, the Earl of Warwick, and by him, on March 19, 1631, transferred to two English lords, Say and Seal, and Brooke. Its limits were described with an ambiguity and obscurity of expression remarkable even in those days of rude description and want of geographical knowledge, and laid the foundation for serious conflicts of title in after years. They included all that part of New England west of the Narraganset River, extending "the space of forty leagues upon a straight line near the sea shore, toward the south and west, as the coast lieth toward Virginia, accounting three English miles to the league; and also all and singular the lands and hereditaments whatsoever lying and being within the lands aforesaid, north and south in latitude, and in breadth and length, and longitude of, and within all the breadth aforesaid, throughout the main lands there from the Western Ocean to the South Sea."

This territory was settled by several independent communities or colonies from 1632 to 1636 under a commission from the general court of Massachusetts, March 3, 1636, to eight of the persons who "had resolved to transplant themselves and their estates unto the river of Connecticut."

These people obtained this commission because they wanted a frame of government with them, and not by reason of any claim by Massachusetts over them or the land by or under patent.

January 14, 1638, or 1639 the towns of Hartford, Windsor, and Wethersfield formed a voluntary compact, constitution, or "fundamental orders of Connecticut." Springfield prior to this, viz, in 1637, had withdrawn from the association.

April 20, 1662, Charles II. granted the charter of Connecticut. This charter consolidated all the colonies of Connecticut into a single colony by the name of "The Governor and Company of the English Colony in Connecticut in America." The colony of New Haven, included in this charter, refused to submit to the arrangement till 1665.

[Extract from the charter of Connecticut.]

And know ye further that we, of our abundant grace, certain knowledge, and mere motion, have given, granted, and confirmed, and by these presents, for us, our heirs, and successors, do grant and confirm, unto the said governor and company, and their successors, all that part of our dominions in New England in America, bounded on the east by Narraganset river, commonly called Narraganset bay, where the said river falleth into the sea; and on the north by the line of the Massachusetts' plantation; and on the south by the sea; and in longitude as the line of the Massachusetts' colony running from east to west, that is to say, from the said Narraganset bay on the east, to the south sea on the west part, with the islands thereunto adjoining, &c. &c.

Thus it will be seen that the territory of this consolidated colony was designated as extending from Narraganset Bay to the Pacific, and from the line of Massachusetts Plantations southward to the sea coast, including the adjacent islands.

The grant for Providence Plantations by the Earl of Warwick, March 14, 1643, granted a tract of the eastern portion of Connecticut, which by inadvertence was entirely ignored in the Connecticut charter of April 20, 1662, which included all this territory. In the year 1663, a new charter was granted to Rhode Island and Providence Plantations; Connecticut's charter being recalled until the boundary line between them should be settled. The same year the line of the Pawcatuck was agreed upon as the boundary between Connecticut and Rhode Island. So this territory was detached from the Connecticut grant of April 20, 1662.

During the efforts of James II., in 1685–'87, to abolish all New England charters and to consolidate all the colonies into one, with a royal governor appointed by himself, Connecticut stubbornly resisted Governor Andros for a year and a half; but on his being deposed upon the flight and overthrow of James II. in England, and after the accession of William and Mary in 1689, the colony took up the old charter of 1662, and it remained the organic law of Connecticut until 1818, when the Constitution was adopted in lieu of the charter which had been continued in 1776 by writ.

Thus the charter of 1662 was the fundamental law of the Colony and State for one hundred and forty-six years.

The territorial claim of Connecticut in its westward extension was again trenched upon by the charters of New York and Pennsylvania. The claims of the former date back to the charter of 12th March, 1664, granted by Charles II. to his brother, the Duke of York, afterward James II., which, after the final subversion of the Dutch Government of New Netherlands, was renewed. A royal commission, in November, 1664, determined the boundary between New York and Connecticut along the line of the Mamaroneck, but in 1731 the present boundary was tentatively fixed, but not determined, by agreement of the two colonies, under an agreement made in 1683. Thus New York absorbed the westward extension of the Connecticut territory north of the forty-first parallel and east of the Delaware River. The dividing lines between the two States on the west and along Long Island Sound remained unsettled, but without serious controversy, until a joint commission signed a memorandum dated December 8, 1879, establishing the western line as it stands, and on the south dividing the sound between them from Byram River eastward. Congress will doubtless approve.

By agreement with Massachusetts in 1787, under the Confederation, the present boundary line was acknowledged, and the conflicting claims of the two colonies to the westward compromised by admitting the territorial sovereignty of New York and assigning to Massachusetts the title to the soil north of the forty-second parallel and west of the meridian passing eighty-two miles west of the northeast corner of Pennsylvania.

But Connecticut continued to claim the land west of New York and within the limits of this charter. April 28, 1800, the Congress of the United States passed an act to authorize the President of the United States to accept for the United States a cession of "jurisdiction of the territories west of Pennsylvania, commonly called the Western Reserve of Connecticut." The jurisdiction over these lands had been excepted out of the cession by Connecticut to the National Government in her deed of September 13, 1786, and Governor Jonathan Trumbull (the second), May 30, 1800, by deed on behalf of Connecticut, passed title to the United States, and Connecticut's claims to western lands were absorbed. Connecticut's claim to lands lying within the colony of Pennsylvania between the forty-first and forty-second parallels and west of the river Delaware, were intercepted by the charter of 1681 by Charles II. to William Penn. Connecticut adopted the Constitution of the United States January 9, 1788, and thereby became a member of the Union.

The State of Connecticut became the successor of the Crown to western and unoccupied lands, which she disposed of by State laws. Her claim to western lands (except the tract known as the Western Reserve in Ohio) she ceded to, and they became part of the public domain of, the United States.

RHODE ISLAND.

COLONIZATION.

In 1636 Rhode Island was settled by Roger Williams and immigrants from Massachusetts, who had suffered persecution, and who established, at Providence, "a pure democracy."

March 14, 1643, the Earl of Warwick, who had been appointed by the Parliament lord high admiral of England, with a council of five peers and twelve commoners, granted to "The Incorporation of Providence Plantations in the Narraganset Bay in New England" a tract covering the eastern portion of the Connecticut claim, bounded north and east by Massachusetts and Plymouth Colonies, and west by the country of the Narraganset Indians, the whole tract extending about twenty-five English miles into the Pequot River and country.

Under this grant were united the four towns of Providence, Newport, Portsmouth, and Warwick. In 1651 Providence and Warwick separated from the rest, but three years afterward they were reunited. In 1651 the commonwealth of England claimed the right to appoint a government for the colony, with a provincial council elected by the freeholders and approved by the governor. After the restoration an agent was sent to England by the colony. In 1663, July 8, John Clarke and Roger Williams obtained from Charles II. the charter for Rhode Island and Providence Plantations. This charter, with those of the other New England colonies, was in January, 1687, suspended by Governor-General Sir Edmund Andros, and Rhode Island made a county of his territory. Andros having been deposed in May, 1689, in February that year the people of Rhode Island, accepting the English revolution of 1688, resumed their rights under the charter, which continued in force as the organic law of the colony, and afterward of the State of Rhode Island, till superseded by a State constitution in 1842. This charter continued the organic law of the colony and State from 1663 to 1842, a period of one hundred and seventy-nine years, it being a hundred and twenty-seven years up to the time the State adopted the Constitution of the United States, May 29, 1790, and fifty-two years thereafter, until November, 1842, when a constitution was voted for and adopted by the people. In 1841 to 1843 occurred the Dorr war, which was an effort by the people to replace the charter of July 8, 1663, with a constitution made by the people.

Rhode Island adopted the Constitution of the United States May 29, 1790, and thereby became a member of the Union. She became the successor of the crown lands and rents, which after 1776 were controlled and disposed of by her under State laws. She made no cession of western lands to the United States.

VERMONT.

THE NEW HAMPSHIRE GRANTS, SO-CALLED—COLONIZATION.

Samuel Champlain, a French nobleman, passed over and discovered that portion of the so-called New Hampshire grants within the present State of Vermont, in 1609. In 1724 Fort Dummer (now Brattleboro'), on Connecticut River, in the county of Windham, was built by the provincial government of Massachusetts. Governor Wentworth, of New Hampshire, claimed the country as far west as the Massachusetts line, and during 1760-'68, he gave title to large tracts west of Connecticut River.

New York, by her governor, in December, 1763, proclaimed that all of the said lands were the property of New York under the grant of Charles II., March 12, 1664, to the Duke of York. A long and bitter contest ensued. An appeal to the king resulted in the royal order of July, 1764, designating the Connecticut River as the common boundary of the two colonies. Ethan Allen led the settlers, mostly from Connecticut, who cared but little about political jurisdiction, but who did not desire to pay the gov-

ernor of New York for the lands, after having paid the governor of New Hampshire for them; neither did they desire to be ousted from lawful possessions. They therefore resisted all attempts to dispossess them on the part of New York and drove the officers away.

In 1776 they applied to the Continental Congress for admission, but were refused on account of the opposition of New York.

In 1777, July 26, at Windsor, afterward affirmed by the legislature in 1779 and 1782, the people, in convention, formed a constitution under the title of "The Commonwealth or State of Vermont." The preamble of this constitution states fully the case of the people against New York.

In 1781 Vermont declined an offer of Congress to admit her into the Union upon her giving up a considerable portion of her territory to New York. In 1786, July 4, a convention adopted a new constitution, which was also adopted by the legislature in March, 1787, and declared to be a part of the laws of the State.

In 1790, Vermont, after application by New York, and upon paying $30,000 in satisfaction of all demands, had all claims on behalf of New York relinquished, and on March 4, 1791, was by Congress admitted into the Union, being the first State admited by Congressional enactment under the Constitution. The State became successor of the crown to vacant and unappropriated lands, and other crown rights to lands. Vermont made no cession of Western lands to the United States.

NEW YORK.

COLONIZATION.

Henry, or Hendrick, Hudson, an English navigator, in the service of the States-General of Holland, in September, 1609, following the discovery of Verazzani, a Florentine in the French service (who in 1524 explored the Atlantic Coast from the Carolinas to Nova Scotia), sailed into what is now known as New York Harbor, and up the Hudson River to near the site of the present city of Albany. Under the auspices of the Dutch East India Company the Dutch flag was raised on the site of the city of New York.

In 1613 there were two trading-posts on the river, and four houses erected on Manhattan Island. The Dutch claimed the whole country from the fortieth to the forty-fifth degree of north latitude, and called it New Netherlands.

In 1614 the States-General of Holland, under whose auspices Hudson had sailed up the river named after him, granted exclusive trade rights for three years, within the region between the Delaware and Connecticut rivers, to the Dutch East India Company.

In 1615 a post was established near Albany and on Manhattan Island.

In 1621 the Dutch West India Company, organized under the name of the United New Netherlands Company, with exclusive privileges of trade and settlement on both coasts of America, was founded, and the lands held temporarily by the prior company fell to them. They built Fort Nassau, near Gloucester, N. J., on the Delaware River, and Fort Orange, on the Hudson, in 1623.

In 1624 Peter Minuit came over as director or governor of the New Netherlands. Among other islands purchased from the Indians was Manhattan, which was bought for $24.

In 1629 the Dutch West India Council granted to certain persons seigniories or tracts of land with feudal rights over their occupants.

The English had always laid claim to the lands thus controlled by the Dutch, claiming that they were included in the Virginia grant, and they never recognized the discovery or other claims of the Dutch in America.

Cromwell, during his protectorate, and Richard, his son, frequently considered the conquest of the New Netherlands. After the Restoration, March 12, 1664, Charles II., in spite of the charter of Connecticut and the prior claims of the Dutch, both by dis-

covery and occupation, made a grant to his brother James, Duke of York, which embraced all the lands lying between the west bank of the Connecticut River and the east bank of Delaware Bay.

In 1663 the Duke of York purchased the grant made to Earl Sterling in 1635, for Long Island and other New England coast islands.

The limits of the Duke of York's grant of March 12, 1664, were sketched in geographical ignorance and made in disregard of prior rights. With a large territory, now included in Maine, it covered Long Island and all the lands between the western side of the Connecticut River and the eastern shore of Delaware Bay. The Dutch occupancy of fifty years was treated as an intrusion upon the rights of the Crown, offering no bar to this reckless and prodigal endowment. These lands were granted to the duke in free and common socage, with a yearly rent. The rights of eminent domain, subject to the sovereignty of the King, went with the land grant.

[Extract from the grant of Charles II. to James, Duke of York, March 12, 1664.]

Know ye that we, for divers good causes, &c. have, &c. and by these presents &c., do give and grant unto our dearest brother, James duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland in America; and from thence extending along the seacoast unto a certain place called Pamaquie or Pemaquid, and so up the river thereof to the farthest head of the same as it tendeth northward; and extending from thence to the river of Kimbequin, and so upwards, by the shortest course, to the river Canada northward. And also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate, lying, and being, towards the west of Cape Cod and the Narrow Higansets, abutting upon the main land between the two rivers, there called or known by the several names of Connecticut and Hudson's river; together, also, with the said river called Hudson's river, and all the lands from the west side of Connecticut river, to the east side of Delaware bay. And also all those several islands, called or known by the names of Martin's Vineyard and Nantukes, or otherwise Nantuckett.

In 1664 the Duke of York equipped an expedition, under command of Col. Richard Nicolls, afterward governor of New York and New Jersey, consisting of three ships, with six hundred soldiers, which in that year captured the Dutch colony at Manhattan and changed the name of New Amsterdam to that of New York, in honor of the duke proprietor. This conquest was confirmed by the treaty of Breda, in July, 1667.

In August, 1673, the city and colony were recaptured by the Dutch, who remained in possession until February, 1674, when it was restored to the English by the treaty of Westminster, and New York and New Jersey again came under the English flag, where they remained until the war of the Revolution.

The second grant to the Duke of York, of date June 29, 1674, for the same territory, was made after the treaty of Breda to complete and perfect his title, and was confirmatory of his first grant.

In February, 1685, James, Duke of York, succeeded his brother, Charles II. as James II. of England, and the preceding grants merged into the Crown. The territory between Pemaquid and Saint Croix was, by charter of 1692, annexed to Massachusetts. A part of the territory between Hudson and Delaware rivers had been transferred by the Duke of York, and formed New Jersey. The residue of the grant constituted the regal government of New York, with a succession of royal governors, to which the jurisdiction over the territory of the Six Nations was annexed.

New York was governed as a crown colony or province by a series of thirty-four royal governors from 1664 to 1777, with an intermission of one Dutch governor in 1673–'74, William Tryon being the last royal governor.

On July 10, 1776, the Provincial Congress of May, 1775, met at White Plains, and was thereafter known as "the representatives of the State of New York." This Congress frequently changed location by adjournment, but finally, at Kingston, April 20, 1777, adopted the first constitution of the State.

On July 26, 1788, New York adopted the Constitution of the United States, and thereby was admitted into the Union.

A struggle took place in the Continental Congress between the non-western land-

holding States and those holding western lands as to whether they should be held by the several States of the Confederation or not, though the articles of confederation were ratified with a clause prohibiting the General Government from reducing the area of any State in the Confederation. New York claimed under the purchase from the Six Nations of Indians, who had occupied it, a vast undefined region to the west of the State of Pennsylvania and north of the river Ohio.

On the 1st day of March, 1781, by her delegates in Congress, she ceded her claims to this territory to the Government of the United States for the benefit of the whole nation, being the first State in the Union to make cession of lands or claims to lands.

The State of New York succeeded to the crown rights over unoccupied lands and realty, and by legislation disposed of vacant lands, and covenanted or otherwise disposed of quit-rents.

NEW JERSEY.

COLONIZATION.

The two grants to the Duke of York, afterward James II. of England, of date 1664 and 1674, covered all the lands from the west side of the Connecticut River to the east side of Delaware Bay. The entire region within the present State of New Jersey was claimed by colonists from the New Netherlands, who had, in 1623, built a fort four miles below where Philadelphia now stands, on the Delaware River.

Under the charter of 1664 Colonel Richard Nicolls, the Duke of York's governor, made a grant of land to some New England colonists who settled at Elizabethtown two months before the arrival of the expedition under Colonel Nicolls, which the Duke of York had fitted out to act against the Dutch colonies of the New Netherlands. Afterward the Duke of York made a grant to Lord John Berkeley and Sir George Carteret of the same territory, containing title to the soil and powers of government.

The country was called New Jersey, after Sir George Carteret, who had been royal governor of the Isle of Jersey for Charles II. Philip Carteret, brother of Sir George, became governor.

A series of difficulties now ensued on account of attempts to mulct the colonists for rents of lands which they had previously bought of Nicolls, who had returned to England, but came back, and was governor when the Dutch recaptured the colony.

The lord proprietor made a series of "concessions" in 1644–1665, which were the fundamental laws for the three provinces of New Jersey, East Jersey, and West Jersey, until the surrender of charter rights to the Crown in 1702.

In February, 1674, by the treaty of London, New Jersey again came into the possession of England.

In 1674 the Duke of York obtained his second or confirmatory patent, which included New Jersey as before, and sent Edmund Andros out to govern it. Lord Berkeley, in 1674, sold his half of New Jersey to John Fenwick, to be held in trust for Edward Byllinge (Fenwick and Byllinge both being Quakers or Friends), for £1,000. Byllinge, becoming embarrassed with debt, was forced to make an assignment to Gawen Laurie, Nicholas Lucas, and William Penn, for the benefit of his creditors, of whom Penn was one. A division of the province now took place. The Friends got the western section, which was called West New Jersey.

In 1675 Philip Carteret attempted to resume the government of the other section, known as East New Jersey. Governor Andros arrested and incarcerated him in New York.

In 1678 an agreement was finally reached with the Duke of York by the settlers.

In 1682 William Penn and eleven other Friends purchased from Carteret the entire province of East New Jersey, and to him and twenty-three others the Duke of York executed a final grant therefor.

In 1685 James II., disregarding his grant to Penn, attempted to deprive New Jersey of privileges, which was prevented by the revolution of 1688.

In 1702 differences as to lands and ownership caused the proprietors to relinquish the government to the Crown, and the Jerseys became one province.

The reunited province of New Jersey was afterward governed by royal governors, but the "concessions" of 1664–1665, made by the lord proprietor, were insisted upon by the people as their organic law, and so remained until 1776.

After 1702 and to 1708 it was governed jointly with New York, but retained its seperate legislature. In 1708 it petitioned for separation, and obtained it.

A Provincial Congress met to form a State constitution at Burlington, Trenton, and New Brunswick, and sat, with intermissions, from May 26, 1776, to July, 1776. A constitution having been adopted July 2, 1776, its publication was ordered by Congress July 3, 1776. This constitution was amended by the State legislature September 20, 1777, by inserting the words "State" and "States" for "colony" and "colonies"; with these exceptions it remained the organic law of the State until August 13, 1844.

New Jersey adopted the Constitution of the United States December 18, 1787, and was thereby admittedin to the Union. New Jersey had no western territory land to cede, but she insisted that the States holding the same should cede them to the General Government for the use of the whole people. She succeeded to the vacant or undisposed crown lands within the State.

PENNSYLVANIA.

COLONIZATION.

In 1637 the Swedish West India Company (see Delaware), under the patronage of Gustavus Adolphus, King of Sweden, made the first agricultural settlements along the Delaware River. The Swedes, by purchase from the Indians, acquired all the lands extending from Cape Henlopen to the great falls of the Delaware. It was said that when John Oxenstein, who was interested in Swedish colonization, was Swedish ambassador to England in 1631, Charles I. ceded to him all claims of right of first discovery that England had upon Delaware territory; but there is no authentic record of this, and it is regarded as doubtful.

In 1643 John Printz, with a colony of Swedes, settled on Tinicum Island. Uplandt (now Chester) was founded in 1648.

In 1655 Peter Stuyvesant, governor of the New Netherlands, with a force of Dutch, captured the Swedish settlements along the Delaware, took formal possession, and placed a vice-director as governor over them.

After the capture of New Amsterdam by the Duke of York's forces in 1664, the Delaware Dutch colonies fell under the government of the English in New York (except during the fifteen months of recapture by the Dutch in 1673–'74) until March 4, 1681, when Charles II. of England granted William Penn, a member of the Society of Friends, the province of Pennsylvania. This charter constituted Penn governor and proprietary, with succession in his heirs.

The province was named Pennsylvania, in honor of Admiral Penn, father of William Penn, of whom the charter says:

Know ye, therefore: That we, favoring the Petition and good Purpose of the said William Penn, and having Regard to the memorie and meritts of his late Father, in divers Services, and particularly to his Conduct, Courage and Discretion under our Dearest Brother James, Duke of York, in that Signal Battell and Victorie fought and obtained against the *Dutch* Fleete commanded by the Herr *Van Opdam* in the yeare one thousand six hundred and sixty-five. * * * Doe give and grant unto the said William Penn, his Heirs and Assigns, &c., * * * and of our further grace, certain knowledge, and meer motion, we have thought fitt to erect, and we doe hereby erect the aforesaid Country and Islands into a Province and Seigniorie, and doe call itt Pensilvania, and soe from henceforth we will have itt called.

Admiral Penn, upon his decease, left claims to the amount of £16,000 against the Crown, and his son William was entrusted to the care of the Duke of York, afterwards King James II.

The outline of this grant was magnificent and far more definite than the previous efforts at defining colonial boundaries. It included "all that tract or part of land in America, with the islands therein contained, as the same is bounded on the east by the Delaware River, from twelve miles distance northward of New Castle Town unto the three-and-fortieth degree of northern latitude, if said river do extend so far northward; but if the said river shall not extend so far northward, then by the said river so far as it doth extend, and from the head of the said river to the eastern bounds are to be determined by a meridian line to be drawn from the head of said river unto the said forty-third degree. The said land to extend westward five degrees in longitude, to be computed from the said eastern boundary, and the said lines to be bounded on the north by the beginning of the three-and-fortieth degree of northern latitude, and on the south by a circle drawn at twelve miles' distance from New Castle northward and westward unto the beginning of the fortieth degree of northern latitude, and then by a straight line westward to the limits of longitude above mentioned." This extract from the charter of Pennsylvania is here given in modern English.

It should be observed that the geographers of that day considered degrees of latitude as zones taking designation from their northern parallels; hence the north boundary of Pennsylvania, designated as the beginning of the forty-third degree, is really the forty-second parallel. The south boundary, being the beginning of the fortieth degree, was really the thirty-ninth parallel, a construction for which Penn earnestly contended in his disputes with Lord Baltimore in relation to the boundary between Pennsylvania and Maryland. Proud, in his "History of Pennsylvania," states the length of the colony at five degrees of longitude, or two hundred and sixty-five miles, on the forty-first parallel.

Penn, finding that Lord Baltimore claimed the country along Delaware Bay and River to the mouth of the Schuylkill, more than 150 miles, obtained from the Duke of York (it being included in his grant of 1664) a release of the said territory.

On October 27, 1682, Penn landed at New Castle, now in the State of Delaware and reached the Province of Pennsylvania Sunday, October 29, 1682, O. S., being that day at Upland (now Chester), as appears from a letter written by himself. During November, 1682, he made his first treaty with the Indians at Shackamaxon (now Kensington, in Philadelphia).

By a written instrument, made by Penn in England, July 11, 1681, called "conditions or concessions" between himself and the "adventurers and purchasers" in the Province of Pennsylvania, he entered into a compact as to landed settlements and the government of the country. The contract was signed by Penn as governor and proprietary, and of the first adventurers thirteen signed in person or by proxy.

On April 25, 1682, William Penn set his hand and seal to "this present charter of liberties," of date April 2, 1682, in England, it being a frame of government for Pennsylvania, "to be further explained and confirmed in the province by the first provincial council that shall be held if they see meet."

In 1683 Penn was busily engaged organizing the new government and receiving and caring for colonists.

On February 2, 1683, was made and signed by William Penn, as governor and proprietary, the frame of government of the Province of Pennsylvania and territories thereto annexed, in America. It provided for a council, an assembly, and mode of making laws. It was signed by Penn, by the members of the provincial council, the members of the assembly, and some of the inhabitants of Philadelphia. In consequence of a dispute between himself and Lord Baltimore as to the boundaries between Maryland and Pennsylvania, Penn returned to England in 1684, leaving the administration of affairs in the hands of a provincial council.

In 1686 five commissioners were invested with the functions of government.

In 1688 a deputy governor, Capt. John Blackwell, was appointed, owing to factions in the board of commissioners.

In 1692, and to 1694, Penn was deprived of authority, but was reinstated in 1694.

In 1696 Penn granted another frame of government for Pennsylvania, extending rights and certain privileges, William Markham having been appointed by him lieutenant-governor.

On October 28, 1701, Penn being in Philadelphia, with the approval and consent of the assembly and the proprietary councils, granted a charter for Delaware and for the city of Philadelphia. This charter continued in force until superseded by the constitution of the State under the Confederation. Penn died July 30, 1718, and his heirs succeeded him as governors and proprietaries.

In 1763 a revolt was made against the government, and the proprietors, John and Richard Penn, in person assumed the government and continued until 1776, Lieutenant-Governor John Penn being the last.

Pennsylvania, under her wise system of government and liberal laws, was the most popular of all the colonies. (See Delaware for details as to Penn's purchase of that territory and as to its government and separation from Pennsylvania.)

The boundary between Maryland and Pennsylvania was run by Mason and Dixon in 1767. (See Maryland for details of this survey.)

In 1768, under treaty with the Six Nations (Indians), the proprietary obtained a large tract of land, embracing most of the north and northwest counties of the State, which was opened for settlement by colonists and settlers.

July 15, 1776, a convention assembled at Philadelphia for the purpose of forming a constitution, in accordance with the request of the Continental Congress. It completed its work September 28, 1776, when the constitution was announced. Pennsylvania ratified the Constitution of the United States December 12, 1787, and was thereby admitted into the Union.

By an act of the legislature of Pennsylvania, dated November 27, 1779, and known as the "Divesting act," the Penns were allowed £130,000 by the State for their unsettled lands within its limits, to be paid after the termination of the war; but all their private estates, manors, and quit-rents were reserved to them.

All the State lands of Pennsylvania were thereafter disposed of by the direction of the Commonwealth. Pennsylvania made no cession of western lands to the National Government. [For the boundary dispute and land claims of Pennsylvania and Connecticut, see article on "Reservations" at end of chapter on "Cessions."]

DELAWARE.

COLONIZATION.

In 1631 Captain David Pitterson de Vries, with two ships and about thirty Dutch colonists, entered the Delaware River. He was associated with Godyn Bloemart and Van Renssalaer, wealthy Dutch *patroons*, in establishing a settlement on the Delaware for the purpose of cultivating tobacco and grain and prosecuting the whale and seal fisheries. He built Fort Hoernekill, near Lewiston, Delaware. The Indians destroyed this settlement.

Under the patronage of Gustavus Adolphus, King of Sweden, a company was formed, known as the Swedish West India Company, for colonizing and trading in America. A colony sent out by this company in 1637 erected a fort at the mouth of Christiana, and named the country New Sweden. They had, prior to this, bought of the Indians the land from Cape Henlopen to the Great Falls at Trenton. They soon afterward erected another post and fort on Tinecum Island, in the Delaware, below now Philadelphia. This was in 1643. The Dutch of New Amsterdam (New York), in 1651, considering this movement as an invasion of their possessions, sailed up the Delaware and built

a fort at where the present city of New Castle stands, called Fort Casimir, which in 1654 the Swedes stormed and captured.

In 1655 the Dutch, headed by Peter Stuyvesant, captured all the Swedish forts on the Delaware, and administered to many of the colonists the oath of allegiance to Holland. Those who would not take the oath were shipped back to Europe.

In 1664 the Dutch were conquered by the English.

James, Duke of York, in 1664, when the English captured and conquered the New Netherlands, claimed the Delaware settlements under his charter of 1664, and all of the lands between the Connecticut and Delaware rivers. They were also claimed by Lord Baltimore under his Maryland grant.

The counties of New Castle, Kent, and Sussex upon the Delaware were granted by James, Duke of York, by two quit-claim deeds or deeds of feoffment, of date August 24, 1682, to William Penn, proprietary of Pennsylvania.

October 28, 1682 (O. S.), at the court-house in New Castle, in the midst of the people, Penn received from the agent of the Duke of York the surrender of the territory which is now the State of Delaware, receiving it by the solemn delivery of earth and water. As the territory thus transferred lay within the limits claimed by Maryland, James II. ordered that that portion of the peninsula lying between the fortieth parallel and the parallel of Cape Henlopen should be equally divided between the two colonies. By the agreement made in 1732 between the heirs of Penn and Baltimore, and which was based upon the decision of the committee of trade and plantations in England, before whom Baltimore and Penn were, December 9, 1685, wherein it was decided that Delaware did not constitute a part or portion of Maryland, it was agreed that from the middle point of the parallel of Henlopen a tangent was drawn to the circle around New Castle, and made the line of separate jurisdiction. This tangent was continued northward to a point fifteen miles south of Philadelphia, through which Mason and Dixon's line was subsequently run.

November 7, 1732, the present boundaries were established by a compromise.

In the Continental Congress Delaware was designated by the signatures of her delegates therein, October 25, 1774, as "the three lower counties of New Castle, Kent, and Sussex on Delaware" in the articles of association. On October 26, 1774, in the caption to the address to the King, she was also designated as "the counties of New Castle, Kent, and Sussex on Delaware," but on signing the address the delegates signed it for "the Delaware government." To the Declaration of Independence the delegates signed for "Delaware." In Penn's charter of 1701 the designation was "the tract of land now called the 'territories of Pennsylvania'"; in the Duke of York's deeds "the counties of New Castle, Kent, and Sussex upon Delaware"; in the constitution of Delaware proclaimed September 21, 1776, she was designated "the Delaware State, formerly styled 'the government of New Castle, Kent, and Sussex upon Delaware.'"

In 1690 the Pennsylvania council divided. The members for the territories withdrew April 1, 1691, and, William Penn consenting, the lower counties (now Delaware) became a separate government under a deputy governor.

After Pennsylvania was turned over to a royal commission, in 1692, and Penn's authority suspended, Governor Fletcher, of New York, for William and Mary, in April, 1693, united Delaware to Pennsylvania. Delaware gave the Crown incessant uneasiness by its stubborn resistance to royal authority or consolidation with Pennsylvania. In 1694 Penn recovered his rights, and on the 28th of October, 1701, at Philadelphia, he gave the charter for the Province of Delaware, as it says "have unto this present charter of liberties set my hand and broad seal." This charter granted the province an assembly.

In 1703 they established a separate assembly, but until the Revolution had the same government, and the proprietary claimed all his rights.

Delaware formed a constitution through a convention which met for that purpose at New Castle, August 27, 1776, as recommended by the Continental Congress. It was proclaimed September 21, 1776. She adopted the Constitution of the United States

December 7, 1787, becoming thereby the first State in the Union in point of time. The State thus formed succeeded the proprietary.

Delaware ceded no lands to the United States, as she had no claims to western territory or lands, her boundaries having been defined prior to the Revolution. She was a strong factor under the Confederation in obtaining the cessions of western territory, by the States holding it, to the National Government.

MARYLAND.

COLONIZATION.

Sir George Calvert (Lord Baltimore, an Irish peer and member of the privy council and one of the secretaries of state), who had made an attempt at colonization of a part of Newfoundland prior to this time, visited Virginia in 1629, but soon abandoned the idea of founding a colony there. Proceeding northward, he explored the upper portion of Chesapeake Bay, and on his return to England petitioned Charles I. for a grant for a colony, but died before it was issued.

June 20, 1632, the charter for Maryland was issued, and remained in force until the war of 1776, and Caecilius (Cecil) Calvert, Lord Baltimore, successor to his father (George Calvert), and his heirs, became proprietary of the Province of Maryland, with territorial jurisdiction over soil and territory, including the country between the fortieth degree of latitude on the north and the Potomac on the south, with an eastward projection of the southern boundary across the peninsula flanking the Chesapeake Bay to the Atlantic.

The province by the charter was named Maryland in honor of Henrietta Maria, wife of Charles I., and daughter of Henry IV., of France.

William Claiborne, in 1631, landed on Kent Island, in the Chesapeake Bay, and made the first white settlement in the territory of the afterwards granted colony. He remonstrated against the issuance of the grant to Calvert.

In 1632, Virginia also, by her commissioners, remonstrated against issuing the charter to Lord Baltimore, as an invasion of her territory under prior charter grants. The privy council, after argument, sustained the Calvert charter, and in 1634 Leonard Calvert, with a colony, in the vessels "Ark" and "Dove," sailed from England and landed on the bank of what is now Saint Mary's River, March 27, 1634, and with the consent of the Indians located the town of Saint Mary's.

In 1635 the first legislature met and framed laws. During the Commonwealth in England the proprietary remained loyal to Charles I. A civil contest ensued, and the rule of the Commonwealth was established in 1652.

In 1658 Lord Baltimore recovered his proprietary rights, and his brother, Philip Calvert, was appointed governor.

King William III., in 1689, attempted to govern the colony as a royal province, and in 1692 sent over Sir Lionel Copley as its governor. He abolished the convention, which in 1689 had petitioned the King to assume the government. The privy council advised the forfeiture of the charter by legal process, and in spite of the protest of the proprietary the King seized the colony, assumed control, and called an assembly which radically changed the proprietary government.

In 1714, on petition, Benedict Charles Calvert, fourth Lord Baltimore, was restored to the rights of the proprietary, and in 1715 assumed them.

MASON AND DIXON'S LINE.

Prior to this, in 1684, there was a serious dispute as to the boundaries between Maryland and Pennsylvania by their respective proprietaries, Baltimore and Penn.

In the disputes on boundary with Penn, Baltimore contended for the modern meaning of the word latitude, which would carry his grant to the fortieth parallel. The

line between them by the grants to the colonies respectively had been fixed at the fortieth parallel north latitude. By an agreement between the proprietaries for fixing their boundary, commissioners were appointed for that purpose, in 1732, 1739, and 1750. None of them could agree, and suits in chancery followed. On the 15th of May, 1750, the lord chancellor, Hardwick, rendered a decision which was the basis of a stipulation and adjudication, signed July 4,1760. Under this, after November, 1760, three commissioners and surveyors were appointed, and spent three years in locating base and tangent lines between Delaware and Maryland. Charles Mason, F. R. S., assistant to Dr. Bradley, the astronomer of the royal observatory at Greenwich, and Jeremiah Dixon, in 1763, were commissioned by the proprietaries of Pennsylvania and Maryland to correct, ascertain, and make a more skilled and exact survey. They arrived from England at Philadelphia November 13, 1763, and at once went to work under the escort of Indians from the Six Nations. Completing their field-work December, 1767, they verified the work of the surveyors of 1760, and ran the western line fixed at 39° 43′ 26.3″ north, since called "Mason and Dixon's Line." They did not complete the survey of the whole line, because of Indian troubles, but quit at a point about thirty-six miles east of the western point at which they were to finish, about two hundred and forty-four miles from the Delaware. It was afterward completed, in November, 1782, by Alexander McLean, of Pennsylvania, and Joseph Neville, of Virginia. It was proved and made permanent in 1789.

Mason and Dixon placed stones at every mile and the coat of arms of the proprietaries respectively on opposite sides of each fifth mile-stone or station. "Mason and Dixon's Line" is, therefore, the line east and west (at latitude 39° 43′ 26.3″ north), being the southern boundary of Pennsylvania and the line between that State and Maryland, and the northern boundary of Maryland. Continuing westward, it is the line between West Virginia (then Virginia) and Pennsylvania.

MARYLAND AFTER THE REVOLUTION.

At the period of the Revolutionary War, 1774 to 1776, Maryland was still under the proprietary government, an heir of Lord Baltimore, the last of the name, being its proprietary. A constitution was framed and adopted by a convention which met at Annapolis, August 14, 1776, and completed its work November 11, 1776. Robert Eden was the last colonial governor. He arrived in Annapolis on June 5, 1769, and continued in office during the stormy period preceding the actual hostilities of the Revolution, and until the colonies declared their independence, when, on the recommendation of the committee of safety that his presence in the colony was no longer required or desired, he left it and returned to England.

Maryland ratified the Constitution of the United States on the 28th of April, 1788, and was thereby admitted into the Union. She became successor to the proprietary lands and domains. She had no western territory and made no cessions to the United States, but her stubborn battle against the several States which had large tracts of western lands from grants, insisting that they shouldsur render them to the national government for a public domain, was one of the most potent and effective arguments used to accomplish that end.

The limits of the first colony of Virginia, as defined by the second charter, 1609, embraced four hundred miles of sea coast, of which the central point was Old Point Comfort, with a westward extension to the Pacific, between the parallels passing through these extreme points. Of this territory portions were included, as above detailed, in the colonies of Maryland, Delaware, and New Jersey. The Virginia charter having been judicially vacated, there remained no legal obstacle to further dismemberment of the territory.

THE CAROLINAS.

NORTH AND SOUTH CAROLINA UNDER ONE CHARTER—COLONIZATION.

Sir Walter Raleigh, under his charter of March 25, 1584, planted the first fixed English colony in North America, upon the Island of Roanoke, near North Carolina, July 23, 1587.

In 1653 and to 1660 Virginia colonists and settlers pushed into what is now called Perquimans County, at Durant's Neck.

In September, 1665, at Cape Fear River, the colony of Clarendon was settled by planters from Barbadoes, under Governor Sir John Yeamans, and was really the foundation of North Carolina.

A grant was made to Sir Robert Heath, attorney-general to Charles I., in 1630, assigned by him to the Earl of Arundel and voided in 1663 for non-user.

March 24, 1663, Charles II. made a grant of the charter of the Province of Carolina to Earl Clarendon and others.

[Extract from grant to Earl Clarendon.]

Edward, Earl of Clarendon, to our high chancellor of England, and George, Duke of Albemarle (General Monk), master of our horse and captain-general of all our forces, our right trusty and well-beloved William, Lord Craven, John, Lord Berkeley, our right trusty and well-beloved Counsellor Anthony, Lord Ashley, chancellor of our exchequer, Sir George Carteret, knight and baronet, vice-chamberlain of our household, and our trusty and well-beloved Sir William Berkeley, knight (governor of Virginia), and Sir John Colleton, knight and baronet, being excited with a laudable and pious zeal for the propagation of the Christian faith and the enlargement of our empire and dominions, have humbly besought leave of us by their industry and charge to transport and make an ample colony of our subjects, natives of our Kingdom of England and elsewhere within our dominions, within a certain country hereafter described in the part of America not yet cultivated or planted, and only inhabited by some barbarous people who have no knowledge of Almighty God, &c., &c.

The lands granted were between the thirty-first and thirty-sixth degrees of north latitude, and westward to the Pacific Ocean. The grantees became known as "Lords Proprietors of the Province of Carolina." It was not discovered that the colonies of Clarendon and Albemarle were without the limits of this charter. So, on petition of the proprietors, Charles II., on the 30th of June, 1665, granted a second or supplemental charter. The first as well as the second charter embraced title to the soil and political jurisdiction, subject, however, to the sovereignty of the Crown.

[Extract from the second charter of Carolina, June 30, 1665.]

Know ye, that at the humble request of the said grantees, &c. we are graciously pleased to enlarge our said grant unto them, according to the bounds and limits hereafter specified, and in favor of the pious and noble purpose of the said Edward earl of Clarendon, George duke of Albemarle, William earl of Craven, John lord Berkely, Anthony lord Ashley, sir George Carteret, sir John Colleton, and sir William Berkely, their heirs &c. all that province, territory, or tract of land, situate, lying, and being, within our dominions of America aforesaid, extending north and eastward as far as the north end of Currituck river or inlet, upon a straight westerly line, to Wyonoak creek, which lies within or about the degrees of thirty-six and thirty minutes northern latitude, and so west in a direct line as far as the south seas; and south and westward as far as the degrees of twenty-nine inclusive, of northern latitude; and so west in a direct line as far as the south seas, together with all and singular the ports, harbors, bays, rivers, and inlets, belonging unto the province and territory aforesaid.

This charter fixed the limits of the grant at between the parallels 29° and 36° 30′ north latitude, and from the Atlantic to the Pacific. The southern boundary trenched upon the province of Florida, held by the Spaniards. This claim, however, the English authorities disputed, alleging prior discovery.

The fundamental constitution of Carolina (see Poore's Charters and Constitutions) was drawn by John Locke, the author of the Essay on the Human Understanding, and Anthony Ashley Cooper, Earl of Shaftesbury, the eminent statesman and philos-

opher. It was the most extraordinary document for the government of men that human genius had yet devised. Still, it excited the admiration of the idealists, dreamers, and publicists. It was called "the grand model." It was a grand failure in practice, and was abolished by the proprietaries in April, 1693, after being only partially put in practice.

THE SEPARATION OF NORTH AND SOUTH CAROLINA.

In 1674 Joseph West was appointed governor of the Southern Colony (although North and South Carolina were still under one proprietary rule).

After the year 1732 the colony was divided. Separate assemblies were held prior to this.

The charter of June 30, 1665, was, on the 25th July, 1729, surrendered to the King by seven of the eight proprietors, under the authority of the act of Parliament (2d Geo. II., chap. 34). Lord Carteret (Earl Granville), the eighth proprietor, resigned on the 17th September, 1744, all pretensions to the government; and his eighth part of the right to the soil was located by commissioners, appointed by him and the King, next adjoining Virginia, bounded "north by the Virginia line, east by the Atlantic, south by latitude 35° 34′ north, and west as far as the bounds of the charter." The price paid was £17,500 or about $80,000, and the boundaries fixed between the colonies by orders in council after July 25, 1729.

The governments of both North and South Carolina, after 1732, became regal, with royal governors. The council and judiciary were appointed by the King, the people electing the house of delegates.

At Charlotte, Mecklenburg County, May 20, 1775, a convention of delegates from the county adopted the now famous "Mecklenburg declaration of independence," together with a series of resolutions establishing a form of government.

March 12, 1776 (after ratification by the State of the declaration of independence), a Congress, elected for that purpose, met at Halifax and formed a Constitution, and adjourned December 18, 1776. It was not submitted to the people.

June 4, 1835, a convention to amend this constitution was held at Raleigh, which finished its work on July 11, 1835. These amendments were ratified by the people.

The constitution of 1776 was the organic law of the State for fifty-nine years without alteration.

November 21, 1789, North Carolina ratified the Constitution of the United States, and was thereby admitted into the Union. The State formed in 1776 became the successor to the Crown in the ownership of unoccupied lands and disposed of them. She ceded to the United States, February 25, 1790, the territory lying beyond her present western boundary, which now forms the State of Tennessee.

SOUTH CAROLINA.

COLONIZATION.

In 1562 John Ribault, one of the Admiral Coligny's French Huguenots, who sailed with an expedition to Florida and named the river Saint John, sailing northward, made the harbor which he named Port Royal. He built a fort on an island therein, and, in honor of Charles IX., of France, named it "Carolina." Leaving a colony, he returned to France. The colonists mutinied and went to sea, where, after long suffering, they were picked up by an English vessel and taken to Europe.

South Carolina was embraced in the grant of the Carolina province of March 24, 1663, by Charles II., to Albemarle and others, which was amended in 1665.

South Carolina remained a part of the province of Carolina until after July 25, 1729, when a final surrender of the proprietary charter was made to the Crown and she became a royal province and known as the province of South Carolina.

In 1671 three ship-loads of English colonists, under Sir William Sayles, landed at Port Royal, but within a year removed to Ashley River, and in 1680 founded the present city of Charleston.

In 1670 the Duke of Albemarle, one of the lord proprietaries, had been installed as palatine, and a large sum of money was expended in the equipment and fitting out of the Sayles or Port Royal colonists above mentioned up to 1693. South and North Carolina were for a time governed by the "grand model" or John Locke "Fundamental constitutions of Carolina."

The English revolution of 1688 was taken advantage of to depose and expel the royal governor; and the people, defying the authority of the proprietary, proceeded to organize an independent government for their protection.

In 1720 overtures were first made, and in 1729 were consummated (see North Carolina), under which the English Government purchased the right of the Lords Proprietors, and afterward the royal government was formed, viz, after July 25, 1729, the boundaries between North and South Carolina being fixed at the time of the division by the order in council. South Carolina included in her southern limits the colony (now State) of Georgia.

A provincial congress was called in 1774, and delegates went to the Continental Congress.

Upon the abandonment of the colony by the royal governor in 1775 the provincial congress assumed control and government.

On March 26, 1776, the constitution adopted by the provincial congress was adopted, as recommended by the Continental Congress.

On May 25, 1788, she adopted the Constitution of the United States and was thereby admitted into the Union. The State became successor to the Crown in the ownership and disposition of the unappropriated and unoccupied public lands therein and made disposition of the same, ceding to the United States, August 9, 1787, the lands to the west of her western boundary and now lying in the extreme north of the States of Georgia, Alabama, and Mississippi.

GEORGIA.

COLONIZATION.

A great portion of the southern part of the colony of South Carolina remained unoccupied by permanent settlers or colonists up to 1732, and was a free zone of doubtful ownership, filled with Indians, Spaniards, Frenchmen, and adventurers. It was claimed by Great Britain as a part of South Carolina, and by Spain as the northern part of Florida.

June 9, 1733, George II. of Great Britain granted a charter for the establishment of the colony of Georgia in America. Trustees were appointed to have charge of the same, James Oglethorpe, the philanthropist, the prime mover for the charter, being one of them.

The lands granted were embraced within the charter of the Carolinas of 1662–'63, and lying in the colony of South Carolina between the Savannah and Altamaha rivers, with the zone included between the parallels passing through their headwaters and extending westward to the Pacific.

[Extract from the Georgia charter, June 9, 1732, 5 George 2.]

Know ye, therefore, that we, greatly desiring the happy success of the said corporation, for their further encouragement in accomplishing so excellent a work, have, of our special grace, certain knowledge, and mere motion, given and granted, and by these presents, for us, our heirs, and successors, do give and grant to the said corporation, and their successors, under the reservations, limitations, and declarations, hereafter expressed, seven undivided parts (the whole into eight equal parts to be divided) of all those lands, countries, and territories, situate, lying, and being, in that part of South Carolina in America, which lies from the northern stream of a river commonly called the Savannah, all along the sea coast to the southward, unto the most southern stream

of a certain other great water or river called the Alatamaha, and westward from the heads of the said rivers respectively, in direct lines to the south seas; and all that space, circuit, and precinct of land, lying within the said boundaries, with the islands in the sea lying opposite to the eastern coast of the said islands, within twenty leagues of the same, which are not already inhabited, or settled, by any authority derived from the Crown of Great Britain.

One object of the colony was to furnish labor for the destitute and impoverished of England; for poor debtors, children, and orphans. The political object was to erect a government between the Savannah and Altamaha rivers, to prevent encroachment upon the colonies of South and North Carolina by the Spanish. Parliament voted £10,000. Large and numerous subscriptions were made by individuals. Oglethorpe, afterward governor of the colony, Lord Percivel, president of the corporation, Earl of Shaftesbury, Lord Tyrconnel, the brothers John and Charles Wesley, and George Whitfield were most prominent in this movement.

November 6, 1732, Oglethorpe sailed from England, and after landing at Charleston, South Carolina, sailed up the Savannah River, and after a council with the Indians, made a settlement on the site of the present city of Savannah, February 1, 1733. The colonists were subjected to invasion by Spanish land claimants and marauders, and, in turn, invaded Florida.

Great dissatisfaction existed in the colony with the rules and regulations made by the trustees, especially in relation to the prohibition of slaves and slave labor, the land allotments, and laws of descent. This continued through 1733 and until 1743, when Governor Oglethorpe gave way to a board composed of a president and four associates, this in turn giving way, June 20, 1752, to a provincial government. The company and trustees on that day surrendering the charter of 1732, Georgia thus became a royal colony, with a royal governor and council, and the same regulations as to lands were made as existed in the Carolinas.

Lord Carteret, by indenture dated February 28, 1732, had granted to the trustees of Georgia his eighth part of the territory described in the Carolina charter. The extension of the boundaries of Georgia was defined by the proclamation of George III. of Great Britain, dated October 2, 1763. Referring to the treaty of Paris of February 15, 1762, the territories between the rivers Altamaha and Savannah were annexed to it.

Again, George III., in commissioning James Wright as governor of Georgia in January, 1764, defined his jurisdiction as covering all the lands between the Savannah and the Saint Mary's, and between the parallels passing through the headwaters of the former and the north boundary of East and West Florida, which extended along the Saint Mary's to its headwaters, thence by a direct line to the confluence of the Chattahoochee and Flint, thence up the Flint to the thirty-first parallel, and thence, by said parallel, to the Mississippi River. The thirty-first parallel was made the north boundary of West Florida, afterward extended northward in compliance with a recommendation, March 25, 1764, of the British board of trade, as shown by royal commissions to Governors Elliot and Chester, of West Florida, dated, respectively, May 15, 1767, and January 25, 1770, and finally by the convention to settle boundaries between the States of South Carolina and Georgia, concluded at Beaufort on the 28th day of April, 1787, of which the following are extracts:

ARTICLE 1. The most northern branch or stream of the river Savannah, from the sea or mouth of such stream to the fork or confluence of the rivers now called Tugoloo and Keowa, and from thence the most northern branch or stream of the said river Tugoloo, till it intersects the northern boundary line of South Carolina, if the said branch or stream of Tugoloo extends so far north, reserving all the islands in the said rivers Savannah and Tugoloo to Georgia; but if the head spring or source of any branch or stream of the said river Tugoloo, does not extend to the north boundary line of South Carolina, then a west line to the Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugoloo River, which extends to the highest northern latitude, shall forever hereafter form the separation, limit, and boundary, between the States of South Carolina and Georgia.

* * * * * * *

ART. 3. The State of South Carolina shall not hereafter claim any lands to the eastward, southward, southeastward, or west of the boundary above established; but here-

by relinquishes and cedes to the State of Georgia, all the right, title, and claim, which the said State of South Carolina hath to the government, sovereignty, and jurisdiction, in and over the same, and also the right of pre-emption of the soil from the native Indians, and all other the estate, property, and claim, which the State of South Carolina hath in or to the said land.

ART. 4. The State of Georgia shall not hereafter claim any lands to the northward or northeastward of the boundary above established; but hereby relinquishes and cedes to the State of South Carolina, all the right, title, and claim, which the said State of Georgia hath to the government, sovereignty, and jurisdiction, in and over the same; and also the right of pre-emption of the soil from the native Indians, and all other of the estate, property, and claim, which the State of Georgia hath in or to the said lands.

A general assembly was ordered in 1755.

A convention assembled at Savannah, October 1, 1776, in conformity with the recommendations of the Continental Congress, and proceeded to organize a State government. They passed a constitution, which was unanimously adopted February 5, 1777. A second constitution was framed by a convention which met at Augusta November 4, 1788, but it was not ratified until January 4, 1789, and by a convention elected for that purpose, which met at Augusta. In the mean time, viz, on January 2, 1788, she had adopted the Constitution of the United States, and thereby was admitted into the Union The State of Georgia became the successor to the Crown and to the ownership and disposition of unappropriated and unoccupied public lands therein. Those lying to the west of her present western boundary she ceded to the United States April 24, 1802, and they now constitute portions of the States of Alabama and Mississippi.

AUTHORITIES UNDER THIS CHAPTER.

For list of names of all governors (proprietary, crown, and state) of the thirteen colonies and States, see "Lanman's Biographical Annals of Civil Government of United States," pages 569–571.

Bancroft's History of the United States, vols. 1 to 10.

Charters and Constitutions of the United States; edited by Ben. Perley Poore.

Wheeler's History of North Carolina.

Land Laws of the United States; compiled by Albert Gallatin, 1810–'17.

Land Laws of the United States; compiled by Mathew St. Clair Clarke, 1827.

Johnson's Universal Cyclopædia: titles, "Colonies," "States," &c.

Lord's History of the United States.

Laws of the United States; Brown & Duane's edition, vol. 1.

Statutes at Large of the United States; Little, Brown & Co., publishers.

Revised Statutes of the United States, 1878.

Story on the Constitution.

Hickey's Constitution of the United States; Alex. Cumming's revision.

Life of Sir Walter Raleigh; Edwards.

Palfrey's History of New England.

CHAPTER III.

ORGANIZATION OF THE GOVERNMENT OF THE UNITED STATES, AND CESSIONS OF LANDS THERETO BY SEVERAL STATES OF THE UNION.

CESSIONS FROM MARCH 1, 1781, TO APRIL 24, 1802.

The preceding chapter states the title of Great Britain to the territory and lands held by the Crown and by the several colonies in America, under and by virtue of grants and charters from the British Government. By this chapter will be shown the process of formation of the Government of the United States and how the colonies of England in America became free and independent States by Declaration of Independence, subsequently recognized and confirmed by the Government of Great Britain in the definite treaty of peace with the United States, September 3, 1783, at the conclusion of the Revolutionary War; how the colonies became the United States of America under an act of confederation, and afterwards adopted a Constitution making a more perfect union and a more permanent form of national government under an organic law.

The States, July 4, 1776, becoming successors to the colonies and crown rights to unappropriated or crown lands lying to the westward of their, at that time, recognized western boundaries, the States possessing such lands severally transferred them by deeds of cession to the United States, to be disposed of for the benefit of all the people, forming the first of the public domain.

PRELIMINARY STEPS TOWARD UNION OF THE COLONIES.

In 1643, the colonies of Massachusetts, Plymouth, Connecticut, and New Haven formed a league which existed for forty years under regular form and with a congress of delegates.

A congress of governors and commissioners of colonies was held at Albany, N. Y., in 1722, and a congress of colonial commissioners from New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennyslvania and Maryland, met in Albany, N. Y., in 1754. They resolved that a union of the colonies was absolutely necessary for their protection and preservation. A plan was proposed, but not adopted, for a federal government.

October 7, 1765, delegates from nine colonies assembled in a congress at New York City, and considered and adopted a "Declaration of Rights" on the question of taxation, stating in unmistakable terms that the American colonists, as Englishmen, could not and would not consent to be taxed but by their own representatives. Taxation involves the highest attribute of sovereignty, and the colonists were considering the subject in reference to their own rights and privileges.

On the 5th of September, 1774, delegates from eleven of the colonies met in Carpenter's Hall, Philadelphia. They adopted addresses to the King, to the English nation,

and also to the people of Canada, together with a resolution recommending the suspension of commercial intercourse with Great Britain until the wrongs of the colonies should be redressed. By the "association" then formed, delegates from the same were given authority to consult and act for the common welfare. "Consultation by authority of communities, formed into a compact in reference to subjects relating to the common good, involves the idea of sovereignty, and is a practical exercise of its power."

On the 10th of May, 1775, the second Colonial Congress of delegates from thirteen colonies assembled in Philadelphia, according to recommendations of the first, and among the things done by the delegates was to give their reasons for an appeal to arms and to vote to raise twenty thousand men and the means to support them, upon an equitable basis between the thirteen colonies respectively.

On Tuesday, July 2, 1776, the Continental Congress in Philadelphia—

Resolved, That these United Colonies are, and, of right, ought to be, free and independent States: that they are absolved from all allegiance to the British Crown, and that all political connection between them, and the State of Great Britain, is, and ought to be, totally dissolved;

And a committee was raised to draft a Declaration of Independence.

On Thursday, July 4, 1776, in the State-house at Philadelphia, State of Pennsylvania, Congress adopted "a Declaration of Independence by the Representatives of the United States of America, in Congress assembled, to be signed by the members from the several States," which was signed by fifty-six members.

From the first meeting of the league in 1643 to the final act at Philadelphia, July 4, 1776, was one hundred and thirty years—a period of constant struggle and clash with the British Crown.

The Congress of 1776 passed a resolution recommending certain States to call conventions of the people to establish a form of government, viz, New Hampshire, Virginia, and South Carolina.

On Monday, September 9, 1776, Congress—

Resolved, That in all continental commissions, and other instruments, where, heretofore, the words "United Colonies" have been used, the style be altered, for the future, to the United States.

ARTICLES OF CONFEDERATION.

On Saturday, November 15, 1777, the Articles of Confederation and perpetual union of the United States of America were adopted by the delegates of the thirteen original States in Congress assembled, subject to the ratification of the respective States.

These articles were ratified by eight States on July 9, 1778, viz, by New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, and South Carolina, by their delegates in Congress; by one State on July 21, 1778, viz, North Carolina; by one State on July 24, 1778, viz, Georgia; by one State on November 26, 1778, viz, New Jersey; by one State on February 22, 1779, viz, Delaware (Mr. J. Dickinson and Mr. Van Dyke signed the articles for Delaware May 5, 1779, and Mr. McKean signed them for her February 22, 1779, at which time he produced a power authorizing him so to do); by one State on March 1, 1781, viz, Maryland.

The ratification was completed March 1, 1781, by the action of Maryland.

Congress, under these articles, exercised full powers of Government until March 4, 1789, a period of eight years, and until the Constitution went into operation and superseded the Articles of Confederation.

The defects of the government under the Confederation were so glaring, and its system so unequal and inefficient in its operation, that amendment or change was demanded, and a series of movements looking to this end began in Congress on Saturday, February 3, 1781, and running through several years, ended Saturday, September 13, 1788.

MEETING OF COMMISSIONERS AT ANNAPOLIS.

At the suggestion of the legislature of Virginia, under a resolution offered by James Madison, and adopted January 21, 1788, inviting all the States to send commissioners to meet at some place to be agreed upon "to take into consideration the trade of the United States, to examine the relative situation and trade of the said States, and to consider how far a uniform system, in their commercial regulations may be necessary to their common interest and their permanent harmony," a convention was called which met at Annapolis, Md., Monday, September 11, 1786. Four States besides Virginia were represented in said convention, viz, New York, New Jersey, Pennsylvania, and Delaware. On Thursday, September 14, 1786, the convention heard read a draft reported from a committee, drawn by Alexander Hamilton, a delegate from New York, which it adopted and signed. The convention then adjourned without date.

Accompanying the report referred to was a resolution recommending the calling of "a general convention of all the States, to meet at Philadelphia in May, 1787, to take into consideration the situation of the United States, and to devise such further provisions as shall appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union."

This resolution, with the report or address of the convention, was sent to the governors of all the States for adoption or rejection. John Dickinson, of Delaware, presented it to Congress, which took it into consideration on the 21st of February, 1787.

THE CONSTITUTION.

A committee, Mr. Dane, chairman, reported to Congress upon the Annapolis report and memorial, and recommended the calling of a constitutional convention and the sending of delegates by the legislatures of all the States to the same, to be held at Philadelphia on the second Monday of May, 1787, under the following resolution, viz:

Resolved, That in the opinion of Congress, it is expedient, that, on the second Monday in May next, a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the States, render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union.

THE CONVENTION TO FORM THE CONSTITUTION.

May 25, 1787, seven States being present by their delegates at Philadelphia, Pa., the convention was organized by the election of George Washington, a delegate from Virginia, as president, and the sessions began.

On Monday, September 17, 1787, the Constitution was engrossed and signed by all the members present save three. The president of the convention transmitted it to Congress (sitting at Philadelphia, Pa.), with a communication stating how the proposed government should be put in operation under the Constitution when adopted by the votes of nine States.

ACTION OF CONGRESS ON THE SAME.

Congress having received the report of the convention lately assembled in Philadelphia—

Resolved unanimously, That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention, made and provided in that case.

RATIFICATION OF THE CONSTITUTION.

The States respectively called conventions, and the Constitution having been submitted to them, was ratified, as follows:

State of Delaware, December 7, 1787.
State of Pennsylvania, December 12, 1787.
State of New Jersey, December 18, 1787.
State of Georgia, January 2, 1788.
State of Connecticut, January 9, 1788.
State of Massachusetts, February 6, 1788.
State of Maryland, April 28, 1788.
State of South Carolina, May 23, 1788.
State of New Hampshire, June 21, 1788.
State of Virginia, June 26, 1788.
State of New York, July 26, 1788.
North Carolina ratified November 21, 1789, and Rhode Island May 29, 1790.

More than nine States having ratified the Constitution, Congress, at New York, on the 13th of September, 1789, declared the same ratified.

CONGRESS PROCEEDS TO ORGANIZE THE GOVERNMENT UNDER THE CONSTITUTION.

On the question to agree to the following proposition, it was resolved in the affirmative by the unanimous votes of nine States, viz, of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Virginia, South Carolina, and Georgia:

Whereas the convention assembled in Philadelphia, pursuant to the resolution of Congress of the 21st of February, 1787, did, on the 17th of September in the same year, report to the United States in Congress assembled, a Constitution for the people of the United States; whereupon, Congress, on the 28th of the same September, did resolve unanimously, "That the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention made and provided in that case:" and whereas the Constitution so reported by the convention, and by Congress transmitted to the several legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such ratifications duly authenticated have been received by Congress, and are filed in the office of the secretary; therefore,

Resolved, That the first Wednesday in January next, be the day for appointing electors in the several States, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next, be the day for the electors to assemble in their respective States, and vote for a President, and that the first Wednesday in March next, be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution.

THE NATIONAL GOVERNMENT GOES INTO OPERATION UNDER THE CONSTITUTION.

The election for electors was held on the day appointed, and at the city of New York, March 4, 1789, a meeting of Congress was held, but no quorum was present in the Senate until April 6th following, upon which day the electoral vote was counted, and George Washington, of Virginia, and John Adams, of Massachusetts, were declared to be duly elected, respectively, President and Vice-President of the United States.

On April 21, 1789, John Adams was inaugurated Vice-President, and on April 30, 1789, George Washington was inaugurated President of the United States.

THE UNITED STATES BECOMES SUCCESSOR TO THE UNAPPROPRIATED CROWN LANDS BY TREATY AND CESSION.

The Government thus organized became proprietor or lord paramount of the public domain, receiving, as the successor of the Confederation, public lands held by it under cessions from New York, Virginia, Massachusetts, Connecticut (partial), and South

Carolina, and receiving cessions direct from North Carolina and Georgia; the lands subsequently acquired by treaty and purchase coming under like control. The Congress of the United States, for the Nation, became the sole custodian with entire right of disposition, it being an asset of the nation, held for sale or for such other disposition as in the judgment of Congress shall be deemed best. The problems growing out of the ownership by several States of vast tracts of unoccupied land were difficult of solution; due, first, to rival claims, based on the ill-defined and conflicting grants made by different sovereigns of Great Britain for lands in America; and, second, to the belief that all the territory acquired from Great Britain by the treaty of 1783, having been secured by the blood and treasure of the whole people, should be held by the States as common property to be disposed of by the General Government for the benefit of the Nation. The data in possession of foreign governments in relation to this continent were so vague that it was impossible to define their grants with accuracy, and they seemed to think that the country was so large that there was scarcely any limit to its extent; and the result was that different colonies claimed ownership of the same territory, and often claimed under conflicting authorities. The humors and personal likings of sovereigns for subjects to whom they gave grants, in return for services or through friendship, to estates in America, covered the face of portions of the territory of some of the colonies with titles and claims of proprietaryship or grants five deep. These questions prevented for a time accord among the several States; and so complicated were they that at times they seemed impossible of adjustment. The six smaller States which held no western lands contended with tenacity and determination that said lands should not be held by the States owning them for their exclusive use, while the seven States which claimed and under the Confederation held vast sections of crown grant lands in the West, held the contrary opinion. The six States without western lands insisted that such areas held by the other seven States within their respective limits or boundaries would, under any plan of representation based on population, be unequal and disastrous to the States holding no western lands.

THE MOVEMENT TO PROCURE STATE CESSIONS OF WESTERN TERRITORY TO THE UNITED STATES.

The attention of the whole country appears to have been first drawn to these conflicting claims by the decided stand taken by the State of Maryland during the discussion in the Congress upon the objections of certain States to the Articles of Confederation in June, 1778. That State proposed on the 22d of June, 1778, and afterwards insisted, that the boundaries of such of the States, as claimed to extend to the river Mississippi or South Sea, should be defined and curtailed, and that the Western Territories should be held for the common benefit of all the States. From that time until 2d February, 1781, the State of Maryland refused to agree to the Articles of Confederation in consequence of having failed to obtain an amendment upon that point, against which Virginia had remonstrated. On the 25th November, 1778, the act of New Jersey for ratifying the Articles of Confederation was presented by the delegates from that State in which this difficulty was referred to, but the delegates were directed to sign the articles in the firm reliance that the candor and justice of the several States would in due time remove as far as possible the inequality which then existed. The delegate from Delaware signed the Articles of Confederation on the 22d of February, 1779. On the 23d of the same month they presented to the Congress a series of resolutions passed by the legislature of their State, which were as follows:

ACTION OF DELAWARE.

Resolved, That this State thinks it necessary, for the peace and safety of the States to be included in the Union, that a moderate extent of limits should be assigned for such of those States as claim to the Mississippi or South Sea; and that the United States in Congress assembled, should, and ought to have the power of fixing their western limits.

Resolved, That this State consider themselves justly entitled to a right, in common

with the members of the Union, to that extensive tract of country which lies westward of the frontiers of the United States, the property of which was not vested in, or granted to, individuals at the commencement of the present war:—that the same hath been, or may be, gained from the King of Great Britain, or the native Indians, by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States.

Upon which Congress passed the following resolution on the said 23d February, 1779, eight States voting in favor, and three against the same, viz :

Resolved, That the paper laid before Congress by the delegate from Delaware, and read, be filed; provided, that it shall never be considered as admitting any claim by the same set up or intended to be set up.

ACTION OF MARYLAND.

On the 21st May, 1779, the delegates from Maryland laid before Congress the following instructions received by them :

Instructions of the general assembly of Maryland, to George Plater, William Paca, William Carmichael, John Henry, James Forbes, and Daniel of St. Thomas Jenifer, esquires.

GENTLEMEN : Having conferred upon you a trust of the highest nature, it is evident we place great confidence in your integrity, abilities, and zeal to promote the general welfare of the United States, and the particular interest of this State, where the latter is not incompatible with the former; but, to add greater weight to your proceedings in Congress, and take away all suspicion that the opinions you there deliver, and the votes you give, may be the mere opinions of individuals, and not resulting from your knowledge of the sense and deliberate judgment of the State you represent, we think it our duty to instruct as followeth on the subject of the confederation—a subject in which, unfortunately, a supposed difference of interest has produced an almost equal division of sentiments among the several States composing the Union. We say a supposed difference of interests; for if local attachments and prejudices, and the avarice and ambition of individuals, would give way to the dictates of a sound policy, founded on the principles of justice, (and no other policy but what is founded on those immutable principles deserves to be called sound), we flatter ourselves this apparent diversity of interests would soon vanish, and all the States would confederate on terms mutually advantageous to all; for they would then perceive that no other confederation than one so formed can be lasting. Although the pressure of immediate calamities, the dread of their continuance from the appearance of disunion, and some other peculiar circumstances, may have induced some States to accede to the present confederation, contrary to their own interests and judgments, it requires no great share of foresight to predict, that, when those causes cease to operate, the States which have thus acceded to the Confederation will consider it as no longer binding, and will eagerly embrace the first occasion of asserting their just rights, and securing their independence. Is it possible that those States who are ambitiously grasping at territories to which, in our judgment, they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power derived from those territories, when acquired, than what they have displayed in their endeavors to acquire them? We think not. We are convinced the same spirit which hath prompted them to insist on a claim so extravagant, so repugnant to every principle of justice, so incompatible with the general welfare of all the States, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength to oppress by open force their less wealthy and less powerful neighbors, yet depopulation, and consequently the impoverishment of those States, will necessarily follow, which, by an unfair construction of the Confederation, may be stripped of a common interest, and the common benefits derivable from the western country. Suppose, for instance, Virginia indisputably possessed of the extensive and fertile country to which she has set up a claim : what would be the probable consequences to Maryland of such an undisturbed and undisputed possession? They cannot escape the least discerning.

Virginia, by selling on the most moderate terms a small proportion of the lands in question, would draw into her treasury vast sums of money, and, in proportion to the sums arising from such sales, would be enabled to lessen her taxes. Lands comparatively cheap, and taxes comparatively low, with the lands and taxes of an adjacent State, would quickly drain the State thus disadvantageously circumstanced of its most useful inhabitants; its wealth, and its consequence in the scale of the confederated States, would sink, of course. A claim so injurious to more than one-half, if not to the whole of the United States, ought to be supported by the clearest evidence of the right. Yet what evidences of that right have been produced? What arguments alleged in support either of the evidence or the right? None that we have heard of deserving a serious refutation.

It has been said, that some of the delegates of a neighboring State have declared their

opinion of the impracticability of governing the extensive domain claimed by that State. Hence also the necessity was admitted of dividing its territory, and erecting a new State, under the auspices and direction of the elder, from whom, no doubt, it would receive its form of government, to whom it would be bound by some alliance or confederacy, and by whose councils it would be influenced. Such a measure, if ever attempted, would certainly be opposed by the other States as inconsistent with the letter and spirit of the proposed confederation. Should it take place by establishing a sub-confederacy, *imperium in imperio*, the State possessed of this extensive dominion must then either submit to all the inconveniences of an overgrown and unwieldy government, or suffer the authority of Congress to interpose, at a future time, and to lop off a part of its territory, to be erected into a new and free State, and admitted into a confederation on such conditions as shall be settled by nine States. If it is necessary, for the happiness and tranquillity of a State thus overgrown, that Congress should hereafter interfere and divide its territory, why is the claim to that territory now made, and so pertinaciously insisted on? We can suggest to ourselves but two motives: either the declaration of relinquishing, at some future period, a proportion of the country now contended for, was made to lull suspicion asleep, and to cover the designs of a secret ambition, or, if the thought was seriously entertained, the lands are now claimed to reap an immediate profit from the sale. We are convinced, policy and justice require that a country unsettled at the commencement of this war, claimed by the British Crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen States, should be considered as a common property, subject to be parcelled out by Congress into free, convenient, and independent governments, in such manner and at such times as the wisdom of that assembly shall hereafter direct.

Thus convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf the Confederation, unless it be farther explained. We have coolly and dispassionately considered the subject; we have weighed probable inconveniences and hardships, against the sacrifice of just and essential rights; and do instruct you not to agree to the Confederation, unless an article or articles be added thereto in conformity with our declaration. Should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederation.

That these our sentiments respecting our Confederation may be more publicly known, and more explicitly and concisely declared, we have drawn up the annexed declaration, which we instruct you to lay before Congress, to have it printed, and to deliver to each of the delegates of the other States in Congress assembled, copies thereof, signed by yourselves, or by such of you as may be present at the time of delivery; to the intent and purpose that the copies aforesaid may be communicated to our brethren of the United States, and the contents of the said declaration taken into their serious and candid consideration.

Also, we desire and instruct you to move, at a proper time, that these instructions be read to Congress by their secretary, and entered on the journals of Congress.

We have spoken with freedom, as becomes freemen; and we sincerely wish that these our representations may make such an impression on that assembly as to induce them to make such addition to the Articles of Confederation as may bring about a permanent union.

A true copy from the proceeding of December 15, 1778.

Test:

T. DUCKETT,
Clerk of the House of Delegates.

BOUNDARY AND LAND CLAUSE IN THE ARTICLES OF CONFEDERATION.

The ninth clause in the Articles of Confederation provided for the settlement of questions of boundaries or jurisdiction or other matters of dispute between the States. Upon petition by the legislative or executive authority of a State, stating the matter in dispute and praying for a hearing, notice was to be given, by order of Congress, to the proper authority of the State complained of, and a day for hearing assigned. It provided for the selection of commissioners, who were to hear and determine the matter in question. No State was to be deprived of territory for the benefit of the United States. All controversies concerning the private right of soil, claimed under different grants of two or more States, and originating antecedent to settlement of jurisdiction in the manner prescribed, might, on the petition of either claimant, be heard and determined by like proceedings.

STATES REQUESTED TO DISCONTINUE LAND SALES.

The Articles of Confederation left the sale and disposition of western lands in the exclusive control of the States owning or claiming them. Some of them opened land offices, made private grants, granted bounties, and otherwise disposed of a portion of them. [See History of Virginia and North Carolina.] The discontent was so general upon this subject that Congress, on the 30th of October, 1779, by a vote of eight States to three, passed the following resolution:

Whereas the appropriation of vacant lands by the several States, during the continuance of the war, will, in the opinion of Congress, be attended with great mischiefs, therefore,

Resolved, That it be earnestly recommended to the State of Virginia to reconsider their late act of assembly for opening their land office; and that it be recommended to the said State, and all other States similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war.

ACT OF NEW YORK.

This resolution was transmitted to the different States. The first State to respond to it was New York. On the 7th March, 1780, her delegates presented the following act, which was fully carried into effect by said delegates in Congress on March 1, 1781:

AN ACT to facilitate the completion of the Articles of Confederation and perpetual Union among the United States of America.

Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than federal alliance, on such liberal principles as will give satisfaction to its respective members: And whereas the Articles of Confederation and perpetual Union recommended by the honorable the Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war: And the people of the State of New York being on all occasions disposed to manifest their regard for their sister States, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the before-mentioned impediment to its final accomplishment:

Be it therefore enacted, by the people of the State of New York, represented in senate and assembly, and it is hereby enacted, by the authority of the same, That it shall and may be lawful to and for the delegates of this State in the honorable Congress of the United States of America, or the major part of such of them as shall be assembled in Congress, and they, the said delegates, or a major part of them, so assembled, are hereby fully authorized and empowered, for and on behalf of this State, and by proper and authentic acts or instruments, to limit and restrict the boundaries of this State, in the western parts thereof, by such line or lines, and in such manner and form, as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part, or in the whole, over the lands which may be ceded or relinquished with respect only to the right or pre-emption of the soil.

And be it further enacted by the authority aforesaid, That the territory which may be ceded or relinquished by virtue of this act, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and enure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatever.

And be it further enacted by the authority aforesaid, That all the lands to be ceded and relinquished by virtue of this act, for the benefit of the United States, with respect to property, but which shall nevertheless remain under the jurisdiction of this State, shall be disposed of and appropriated in such manner only as the Congress of the said States shall direct; and that a warrant under the authority of Congress for surveying and laying out any part thereof, shall entitle the party in whose favor it shall issue to cause the same to be surveyed and laid out and returned, according to the directions of such warrant; and thereupon letters-patent, under the great seal of this State, shall pass to the grantee for the estate specified in the said warrant; for which no other fee or reward shall be demanded or received than such as shall be allowed by Congress: *Provided always, and be it further enacted by the authority aforesaid,* That the trust

reposed by virtue of this act shall not be executed by the delegates of this State unless at least three of the said delegates shall be present in Congress.

STATE OF NEW YORK, *ss.:*

I do hereby certify that the aforegoing is a true copy of the original act passed the 19th of February, 1780, and lodged in the secretary's office.

ROBERT HARPUR,
Deputy Secretary of State.

Following the reception of this, the Congress took the following action:

IN CONGRESS OF THE CONFEDERATION,
WEDNESDAY, *September* 6, 1780.

Congress took into consideration the report of the committee to whom were referred the instructions of the general assembly of Maryland to their delegates in Congress respecting the Articles of Confederation and the declaration therein referred to, the act of the legislature of New York on the same subject, and the remonstrance of the general assembly of Virginia; which report was agreed to, and is in the words following:

"That having duly considered the several matters to them submitted, they conceive it unnecessary to examine into the merits or policy of the instructions or declarations of the general assembly of Maryland, or of the remonstrance of the general assembly of Virginia, as they involve questions, a discussion of which was declined, on mature consideration, when the Articles of Confederation were debated; nor, in the opinion of the committee, can such questions be now revived with any prospect of conciliation; that it appears more advisable to press upon those States which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the Federal Union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigor of our councils, and success of our measures; to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people; that they are fully persuaded the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the Federal Union; that they are confirmed in these expectations by a review of the before-mentioned act of the legislature of New York, submitted to their consideration; that this act is expressly calculated to accelerate the Federal Alliance, by removing, as far as depends on that State, the impediment arising from the western country, and for that purpose to yield up a portion of territorial claim for the general benefit; whereupon,

"*Resolved*, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several States, and that it be *earnestly recommended to those States, who have claims to the western country, to pass such laws, and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the Articles of Confederation;* and that the legislature of Maryland be earnestly requested to authorize the delegates in Congress to subscribe the said articles."

TUESDAY, *October* 10, 1780.

"*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States: that each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: that the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed.

"That the said lands shall be granted or settled at such times, and under such regulations, as shall hereafter be agreed on by the United States, in Congress assembled, or any nine or more of them."

CESSIONS BY STATES TO THE NATIONAL GOVERNMENT.

It will be noted that during the whole time of the cessions of lands by the States to the National Government the Mississippi River was the international boundary and that it continued to be until after the French cession in 1803. The Mississippi was the western boundary of all cessions or claims by States, except New York.

DATE OF CESSIONS BY STATES.

In compliance with the resolution of Congress of September 6, 1780, the following States made cessions of territory to the United States, respectively:

The State of New York, on March 1, 1781. The State of Virginia, on March 1, 1784. The State of Virginia, on December 30, 1788, (by this act Virginia changed the conditions of the act of cession of 1784 only so far as to ratify the 5th article of the compact or ordinance of 1787). The State of Massachusetts, on April 19, 1785. The State of Connecticut on September 14, 1786, accepted April 2, 1790; jurisdictional cession of the Western Reserve, May 30, 1800, and confirmed by act of Congress May 30, 1800. The State of South Carolina, on August 9, 1787. The State of North Carolina, on February 25, 1790. The State of Georgia, on April 24, 1802.

The deeds and acts of cessions by the several States to the National Government are given in order.

CESSION BY THE STATE OF NEW YORK.

The first in the patriotic movement was New York. On the 1st of March, 1781, her delegates in the Continental Congress, James Duane, William Floyd, and Alexander McDougall, in a deed reciting the authority given them by act of the legislature, restricted the jurisdiction and right of pre-emption to the present lines of the State, and quitclaimed the residue, if any, of her territorial claims to the General Government for the benefit of all the States that were at that time, or that should thereafter become, parties to the Union then subsisting under the Articles of Confederation. The original charter to the Duke of York covered only the lands between the Connecticut River and the eastern shore of Delaware Bay. New Jersey, embracing that portion of this grant subsequently transferred to Berkeley and Carteret, was separated from New York by a line running from the forty-first parallel on the Hudson River to the parallel of 41° 40′ on the Delaware River. The line between New York and Pennsylvania, commencing at the last-named point, followed the Delaware to the forty-second parallel and continued along that parallel westward to its intersection with a meridian line passing twenty miles west of the Niagara River, and northwardly along that meridian to the international boundary.

It will be observed that New York and Virginia in the preliminary acts looking toward their cessions to the General Government assumed to define their own boundaries when they cut off or transferred western lands or claims to them. In the case of New York, Congress declined this proposed guarantee, and Virginia waived it.

Some controversies arose in other States as to boundaries between States hereinafter mentioned.

This New York cession was for title to lands held under treaties with the Six Nations of Indians, and was for the entire country from the source of the Great Lakes southward across the Ohio Valley (valley of the river Ohio) as far as the Cumberland Mountains. It was not for grants under crown or under foreign charters, except for the small parcel now in Pennsylvania known as the "Erie Purchase."

In pursuance of the act of the legislature of the State of New York, read in Congress the 7th March, 1780, entitled "An act to facilitate the completion of the Articles of Confederation and Perpetual Union among the United States of America," the del-

egates for the State of New York executed in Congress the following act or declaration, to wit:

DECLARATION OF NEW YORK.

To all people who shall see these presents, we, James Duane, William Floyd, and Alexander M'Dougall, the underwritten delegates for the State of New York in the honorable Congress of the United States of America, send greeting:

Whereas it is stipulated as one of the conditions of the cession of territory, made for the benefit of the United States by the legislature of the State of Virginia, that the United States should guaranty to that State the boundaries reserved by her legislature for her future jurisdiction; and it would be unjust that the State of New York, as a member of the Federal Union, should be compelled to guaranty the territories which shall be reserved by other States making such cessions, when her own boundaries, as they are to be limited and restricted by the act or instrument of cession now to be executed, shall not be guaranteed in the same manner; wherefore, the said delegates for the State of New York, being uninstructed on this subject by their constituents, think it their duty to declare, and they do by this present instrument declare, that the cession of territory and restriction of boundary of the said State of New York, now to be made by them in behalf of the people of the said State, shall not be absolute; but, on the contrary, shall be subject to ratification or disavowal by the people of the said State, represented in senate and assembly, at their pleasure; unless the boundaries reserved for the future jurisdiction of the said State, by the instrument of cession now to be executed by us, shall be guaranteed by the United States, in the same manner and form as the territorial rights of the other States shall be guaranteed, which have made or may make cessions of part of their claims for the benefit of the United States; the people of the State of New York, on their part, submitting that any part of their limits, which are or may be claimed by any of the United States, shall be determined and adjusted in the mode prescribed for that purpose by the Articles of Confederation.

In testimony whereof, we have hereunto set our hands and seals, in the presence of Congress, this first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our Independence the fifth.

JAMES DUANE. [L. S.]
WM. FLOYD. [L. S.]
ALEXANDER M'DOUGALL. [L. S.]

Sealed and delivered in presence of—
CHARLES THOMSON.
CHARLES MORSE.
EBENEZER SMITH.

The foregoing being executed, the delegates aforesaid, in virtue of the powers vested in them by the act of their legislature before recited, proceeded and executed in due form, in behalf of their State, the following instrument, viz:

Deed of cession.

To all who shall see these presents, we, James Duane, William Floyd, and Alexander M'Dougall, the underwritten delegates for the State of New York in the honorable Congress of the United States of America, send greeting:

Whereas, by an act of the legislature of the said State of New York, passed at a session held at Albany, in the year of our Lord one thousand seven hundred and eighty, entitled "An act to facilitate the completion of the Articles of Confederation and Perpetual Union among the United States of America," it is declared that the people of the State of New York were, on all occasions, disposed to manifest their regard for their sister States, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depended upon them, the impediment to its final accomplishment, respecting the waste and uncultivated lands within the limits of certain States; and it is thereby enacted by the people of the said State of New York, represented in senate and assembly, and by the authority of the same, that it might and should be lawful to and for the delegates of the said State in the honorable Congress, and they or the major part of them, so assembled, are thereby fully authorized and empowered, for and on behalf of that State, and by proper and authentic acts or instruments, to limit and restrict the boundaries of the said State in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part or in the whole, over the lands which may be ceded or relinquished with respect only to the right of pre-emption of the soil; and by the said act it is farther enacted, that the territory which may be ceded or relinquished by virtue thereof, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and inure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever; and by the said act it is pro-

vided and enacted that the trust reposed by virtue thereof, shall not be executed by the delegates of the said State, unless at least three of the said delegates shall be present in Congress: and whereas, by letters-patent under the great seal of the said State of New York, bearing date the 29th day of October last past, reciting that the senate and assembly had, on the 12th day of September then last past, nominated and appointed us, the said James Duane, William Floyd, and Alexander M'Dougall, together with John Morin Scott and Ezra L'Hommedieu, delegates to represent the said State in the Congress of the United States of North America, therefore, in pursuance of the said nomination and appointment, the people of the said State of New York did thereby commission us, the said James Duane, William Floyd, and Alexander M'Dougall, and the said John Morin Scott and Ezra L'Hommedieu, or any majority who should, from time to time, attend the said Congress; and if only one of the said delegates should at any time be present in the said Congress, he should, in such case, be authorized to represent the said State in the said Congress, as by an authentic copy of the said act, and an exemplification of the said commission, remaining among the archives of Congress, fully appears:

Now, therefore, know ye, that we, the said James Duane, William Floyd, and Alexander M'Dougall, by virtue of the power and authority, and in the execution of the trust reposed in us, as aforesaid, have judged it expedient to limit and restrict, and we do, by these presents, for and in behalf of the said State of New York, limit and restrict the boundaries of the said State in the western parts thereof, with respect to the jurisdiction, as well as the right or pre-emption of soil, by the lines and in the form following, that is to say: a line from the northeast corner of the State of Pennsylvania, along the north bounds thereof to its northwest corner, continued due west until it shall be intersected by a meridian line, to be drawn from the forty-fifth degree of north latitude, through the most westerly bent or inclination of Lake Ontario; thence by the said meridian line to the forty-fifth degree of north latitude; and thence by the said forty-fifth degree of north latitude: but if, on experiment, the above-described meridian line shall not comprehend twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara, then we do, by these presents, in the name of the people, and for and on behalf of the State of New York, and by virtue of the authority aforesaid, limit and restrict the boundaries of the said State in the western parts thereof, with respect to jurisdiction, as well as the right of pre-emption of soil, by the lines and in the manner following, that is to say: a line from the northeast corner of the State of Pennsylvania, along the north bounds thereof, to its northwest corner, continued due west until it shall be intersected by a meridian line, to be drawn from the forty-fifth degree of north latitude, through a point twenty miles due west from the most westerly bent or inclination of the river or strait Niagara; thence by the said meridian line to the forty-fifth degree of north latitude, and thence by the said forty-fifth degree of north latitude: And we do, by these presents, in the name of the people, and for and on behalf of the State of New York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer, and forever relinquish to, and for the only use and benefit of such of the States as are or shall become parties to the Articles of Confederation, all the right, title, interest, jurisdiction, and claim, of the said State of New York, to all lands and territories to the northward and westward of the boundaries, to which the said State is in manner aforesaid limited and restricted, and to be granted, disposed of, and appropriated in such manner only as the Congress of the said United or Confederated States shall order and direct.

In testimony whereof, we have hereunto subscribed our names, and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our Independence the fifth.

JAMES DUANE. [L. S.]
WM. FLOYD. [L. S.]
ALEXR. M'DOUGALL. [L. S.]

Sealed and delivered in presence of—
CHARLES THOMSON.
CHARLES MORSE.
EBENEZER SMITH.

October 29, 1782, Congress on behalf of the United States accepted this cession, and it was further confirmed or renewed by an act of the State of New York, April 19, 1785.

CESSION FROM THE STATE OF VIRGINIA.

The next State to make a cession was the State of Virginia. The State of Virginia, by act of her legislature or general assembly, January 2, 1781, submitted a proposition for the cession of her western lands which the Congress of the Confederation, by act of September 13, 1783, agreed to receive and accept, and the State by law of October 20, 1783, *authorized her delegates* in the Congress to consummate the transfer by deed.

egates for the State of New York executed in Congress the following act or declaration, to wit:

DECLARATION OF NEW YORK.

To all people who shall see these presents, we, James Duane, William Floyd, and Alexander M'Dougall, the underwritten delegates for the State of New York in the honorable Congress of the United States of America, send greeting:

Whereas it is stipulated as one of the conditions of the cession of territory, made for the benefit of the United States by the legislature of the State of Virginia, that the United States should guaranty to that State the boundaries reserved by her legislature for her future jurisdiction; and it would be unjust that the State of New York, as a member of the Federal Union, should be compelled to guaranty the territories which shall be reserved by other States making such cessions, when her own boundaries, as they are to be limited and restricted by the act or instrument of cession now to be executed, shall not be guaranteed in the same manner; wherefore, the said delegates for the State of New York, being uninstructed on this subject by their constituents, think it their duty to declare, and they do by this present instrument declare, that the cession of territory and restriction of boundary of the said State of New York, now to be made by them in behalf of the people of the said State, shall not be absolute; but, on the contrary, shall be subject to ratification or disavowal by the people of the said State, represented in senate and assembly, at their pleasure; unless the boundaries reserved for the future jurisdiction of the said State, by the instrument of cession now to be executed by us, shall be guaranteed by the United States, in the same manner and form as the territorial rights of the other States shall be guaranteed, which have made or may make cessions of part of their claims for the benefit of the United States; the people of the State of New York, on their part, submitting that any part of their limits, which are or may be claimed by any of the United States, shall be determined and adjusted in the mode prescribed for that purpose by the Articles of Confederation.

In testimony whereof, we have hereunto set our hands and seals, in the presence of Congress, this first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our Independence the fifth.

JAMES DUANE. [L. S.]
WM. FLOYD. [L. S.]
ALEXANDER M'DOUGALL. [L. S.]

Sealed and delivered in presence of—
CHARLES THOMSON.
CHARLES MORSE.
EBENEZER SMITH.

The foregoing being executed, the delegates aforesaid, in virtue of the powers vested in them by the act of their legislature before recited, proceeded and executed in due form, in behalf of their State, the following instrument, viz:

Deed of cession.

To all who shall see these presents, we, James Duane, William Floyd, and Alexander M'Dougall, the underwritten delegates for the State of New York in the honorable Congress of the United States of America, send greeting:

Whereas, by an act of the legislature of the said State of New York, passed at a session held at Albany, in the year of our Lord one thousand seven hundred and eighty, entitled "An act to facilitate the completion of the Articles of Confederation and Perpetual Union among the United States of America," it is declared that the people of the State of New York were, on all occasions, disposed to manifest their regard for their sister States, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depended upon them, the impediment to its final accomplishment, respecting the waste and uncultivated lands within the limits of certain States; and it is thereby enacted by the people of the said State of New York, represented in senate and assembly, and by the authority of the same, that it might and should be lawful to and for the delegates of the said State in the honorable Congress, and they or the major part of them, so assembled, are thereby fully authorized and empowered, for and on behalf of that State, and by proper and authentic acts or instruments, to limit and restrict the boundaries of the said State in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part or in the whole, over the lands which may be ceded or relinquished with respect only to the right of pre-emption of the soil; and by the said act it is farther enacted, that the territory which may be ceded or relinquished by virtue thereof, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and inure for the use and benefit of such of the United States as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever; and by the said act it is pro-

vided and enacted that the trust reposed by virtue thereof, shall not be executed by the delegates of the said State, unless at least three of the said delegates shall be present in Congress: and whereas, by letters-patent under the great seal of the said State of New York, bearing date the 29th day of October last past, reciting that the senate and assembly had, on the 12th day of September then last past, nominated and appointed us, the said James Duane, William Floyd, and Alexander M'Dougall, together with John Morin Scott and Ezra L'Hommedieu, delegates to represent the said State in the Congress of the United States of North America, therefore, in pursuance of the said nomination and appointment, the people of the said State of New York did thereby commission us, the said James Duane, William Floyd, and Alexander M'Dougall, and the said John Morin Scott and Ezra L'Hommedieu, or any majority who should, from time to time, attend the said Congress; and if only one of the said delegates should at any time be present in the said Congress, he should, in such case, be authorized to represent the said State in the said Congress, as by an authentic copy of the said act, and an exemplification of the said commission, remaining among the archives of Congress, fully appears:

Now, therefore, know ye, that we, the said James Duane, William Floyd, and Alexander M'Dougall, by virtue of the power and authority, and in the execution of the trust reposed in us, as aforesaid, have judged it expedient to limit and restrict, and we do, by these presents, for and in behalf of the said State of New York, limit and restrict the boundaries of the said State in the western parts thereof, with respect to the jurisdiction, as well as the right or pre-emption of soil, by the lines and in the form following, that is to say: a line from the northeast corner of the State of Pennsylvania, along the north bounds thereof to its northwest corner, continued due west until it shall be intersected by a meridian line, to be drawn from the forty-fifth degree of north latitude, through the most westerly bent or inclination of Lake Ontario; thence by the said meridian line to the forty-fifth degree of north latitude; and thence by the said forty-fifth degree of north latitude: but if, on experiment, the above-described meridian line shall not comprehend twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara, then we do, by these presents, in the name of the people, and for and on behalf of the State of New York, and by virtue of the authority aforesaid, limit and restrict the boundaries of the said State in the western parts thereof, with respect to jurisdiction, as well as the right of pre-emption of soil, by the lines and in the manner following, that is to say: a line from the northeast corner of the State of Pennsylvania, along the north bounds thereof, to its northwest corner, continued due west until it shall be intersected by a meridian line, to be drawn from the forty-fifth degree of north latitude, through a point twenty miles due west from the most westerly bent or inclination of the river or strait Niagara; thence by the said meridian line to the forty-fifth degree of north latitude, and thence by the said forty-fifth degree of north latitude: And we do, by these presents, in the name of the people, and for and on behalf of the State of New York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer, and forever relinquish to, and for the only use and benefit of such of the States as are or shall become parties to the Articles of Confederation, all the right, title, interest, jurisdiction, and claim, of the said State of New York, to all lands and territories to the northward and westward of the boundaries, to which the said State is in manner aforesaid limited and restricted, and to be granted, disposed of, and appropriated in such manner only as the Congress of the said United or Confederated States shall order and direct.

In testimony whereof, we have hereunto subscribed our names, and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our Independence the fifth.

JAMES DUANE. [L. S.]
WM. FLOYD. [L. S.]
ALEXR. M'DOUGALL. [L. S.]

Sealed and delivered in presence of—
CHARLES THOMSON.
CHARLES MORSE.
EBENEZER SMITH.

October 29, 1782, Congress on behalf of the United States accepted this cession, and it was further confirmed or renewed by an act of the State of New York, April 19, 1785.

CESSION FROM THE STATE OF VIRGINIA.

The next State to make a cession was the State of Virginia. The State of Virginia, by act of her legislature or general assembly, January 2, 1781, submitted a proposition for the cession of her western lands which the Congress of the Confederation, by act of September 13, 1783, agreed to receive and accept, and the State by law of October 20, 1783, authorized her delegates in the Congress to consummate the transfer by deed.

Virginia still claimed under her charter the residue of territory originally granted to the first colony of Virginia, after deducting the lands covered by the charters of Delaware, New Jersey, Maryland, Pennsylvania, and North Carolina, westward to the Mississippi River. This embraced, in addition to the present States of Virginia and West Virginia, Kentucky, all of Ohio, Indiana, and Illinois, Wisconsin, Michigan, and Minnesota east of the Mississippi River, being northward to the line of the British Possessions, as defined by treaty of 1783. She set up an additional claim to the territory northwest of the Ohio River as far north as Lakes Erie and Michigan, founded upon the successful expedition of a detachment of her State troops, under General George R. Clarke, by which the British power was practically subverted. Her claims included the claims of Connecticut, under ancient charter boundary, to western lands, and the claim of Massachusetts to western extension of her charter limits. She ceded all her territorial claims northwest of the Ohio with certain restrictions, and afterward consented to the erection of Kentucky as an independent State out of her territory south of the Ohio River.

Deed of cession.

March 1, 1784, Virginia, through her delegates in the Continental Congress, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, completed the act of cession, the following proceedings being had in Congress:

On motion of Mr. Howell, of Rhode Island, the following resolution was adopted:

Whereas the general assembly of Virginia, at their session, commencing on the 20th day of October, 1783, passed an act to authorize their delegates in Congress, to convey to the United States in Congress assembled, all the right of that Commonwealth to the territory northwestward of the river Ohio: and whereas the delegates of the said Commonwealth have presented to Congress the form of a deed proposed to be executed pursuant to the said act, in the words following:

"To all who shall see these presents, we, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, the underwritten delegates for the Commonwealth of Virginia, in the Congress of the United States of America, send greeting:

"Whereas the general assembly of the Commonwealth of Virginia, at their sessions begun on the 20th day of October, 1783, passed an act entitled "An act to authorize the delegates of this State in Congress, to convey to the United States in Congress assembled, all the right of this Commonwealth to the territory northwestward of the river Ohio," in these words following, to wit:

"Whereas the Congress of the United States did, by their act of the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several States in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the Union: and whereas this Commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty-one, yield to the Congress of the United States, for the benefit of the said States, all right, title, and claim, which the said Commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession.

"And whereas the United States in Congress assembled have, by their act of the 13th of September last, stipulated the terms on which they agree to accept the cession of this State, should the legislature approve thereof, which terms, although they do not come fully up to the propositions of this Commonwealth, are conceived, on the whole, to approach so nearly to them, as to induce this State to accept thereof, in full confidence, that Congress will, in justice to this State, for the liberal cession she has made, earnestly press upon the other States claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of the Union:

"*Be it enacted by the general assembly*, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, subject to the terms and conditions contained in the before-recited act of Congress of the thirteenth day of September last; that is to say, upon condition that the territory so ceded shall be laid out

and formed into States, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: and that the States so formed shall be distinct republican States, and admitted members of the Federal Union; having the same rights of sovereignty, freedom, and independence, as the other States.

"That the necessary and reasonable expenses incurred by this State, in subduing any British posts, or in maintaining forts and garrisons within, and for the defence, or in acquiring any part of, the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expenses incurred by this State, which they shall judge to be comprised within the intent and meaning of the act Congress, of the tenth of October, one thousand seven hundred and eighty, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then colonel, now General George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the post of Kaskaskies and St. Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place, on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good land on the southeast side of the Ohio, upon the waters of Cumberland River, and between the Green River and Tennessee River, which have been reserved by law for the Virginia troops, upon continental establshment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever. *Provided*, That the trust hereby reposed in the delegates of this State, shall not be executed unless three of them at least are present in Congress.

"And whereas the said general assembly, by their resolution of June sixth, one thousand seven hundred and eighty-three, had constituted and appointed us, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said Commonwealth in Congress for one year, from the first Monday in November then next following, which resolution remains in full force:

"Now, therefore, know ye, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said general assembly of Virginia, before recited, and in the name, and for and on behalf of the said Commonwealth, do, by these presents, convey, transfer, assign, and make over, unto the United States, in Congress assembled, for the benefit of the said States, Virginia inclusive, all right, title and claim, as well of soil as jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, to and for the uses and purposes and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and of the Independence of the United States the eighth."

Resolved, That the United States in Congress assembled are ready to receive this deed, whenever the delegates of the State of Virginia are ready to execute the same.

The delegates of Virginia then proceeded and signed, sealed, and delivered the said deed; whereupon Congress came to the following resolution:

Resolved, That the same be recorded and enrolled among the acts of the United States, in Congress assembled.

July 7, 1786, Congress asked of Virginia alterations of the conditions of the above

act of cession on account of difficulty in forming the lands into States with boundaries as contemplated by the deed of cession.

Resolved, That it be, and it hereby is, recommended to the legislature of Virginia to take into consideration their act of cession, and revise the same so far as to empower the United States in Congress assembled to make such a division of the territory of the United States lying northerly and westerly of the river Ohio, into distinct republican States, not more than five, nor less than three, as the situation of that country and future circumstances may require; which States shall hereafter become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the original States, in conformity with the resolution of Congress of the 10th of October, 1780.

July 15, 1787, Congress passed the ordinance for the government of the territory northwest of the river Ohio, which embraced the above proposition as to the number of States in the Virginia cession.

December 30, 1788, the State of Virginia passed the following:

[Act of Virginia of 30th December, 1788.]

Whereas the United States, in Congress assembled, did, on the seventh day of July, in the year of our Lord one thousand seven hundred and eighty-six, state certain reasons, shewing that a division of the territory which hath been ceded to the said United States, by this Commonwealth, into States, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the act of cession, so far as to empower Congress to make such a division of the said territory into distinct and republican States, not more than five nor less than three in number, as the situation of that country and future circumstances might require. And the said United States, in Congress assembled, have, in an ordinance for the government of the territory northwest of the river Ohio, passed on the thirteenth of July, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original States and the people and States in the said territory, viz:

"ARTICLE 5. There shall be formed in the said territory not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash Rivers; a direct line drawn from the Wabash and Post Vincent's, due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincent's to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania and the said territorial line: *Provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authoity to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided*, the constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand."

And it is expedient that this Commonwealth do assent to the proposed alteration, so as to ratify and confirm the said article of compact between the original States and the people and States in the said territory:

2. *Be it therefore enacted by the general assembly*, That the afore-recited article of compact between the original States and the people and States in the territory northwest of Ohio River be, and the same is hereby, ratified and confirmed, anything to the contrary in the deed of cession of the said territory by this Commonwealth to the United States notwithstanding.

CESSION BY THE STATE OF MASSACHUSETTS.

November 13, 1784, the general court of Massachusetts authorized all her delegates in Congress to make a cession of her claim to western lands to the United States, and

an additional act was passed March 17, 1785, to permit any two delegates in Congress to make the transfer.

April 19, 1785, the Congress agreed to receive and accept the cession. Massachusetts by her deed surrendered claim to the territory claimed to be within the limits of the Massachusetts charter, west of a meridian passing twenty miles west of the Niagara River, the present west boundary of the State of New York, and embraced the land from the State of Pennsylvania, near the parallel 42° 2′ north latitude, and running along it westward to the Mississippi River. Her claim was a strip of land seventy or eighty miles in width lying west of the State of New York and from thence to the Mississippi River; its southern boundary being the latitude of the western extremity of the present State of Massachusetts, and its northern boundary the latitude of a league north of the inflow of Lake Winnipiseogee, in the State of New Hampshire, viz, 43° 43″ 12′ north latitude, and claim to the "Erie Purchase."

The lands claimed now form the southern portion of the State of Wisconsin, the extreme north of the State of Illinois, and the southern part of the State of Michigan. Also, a small portion on Lake Erie, just west of New York, being a triangular piece of land, also claimed by the State of New York, containing 315.91 square miles, which was sold by the United States to the State of Pennsylvania March 3, 1792, for $151,640.25, or seventy-five cents per acre. These lands are now in the county of Erie, State of Pennsylvania, and patent was issued therefor by the President. It is known as the "Erie Purchase."

Deed of cession.

To all who shall see these presents, we, Samuel Holten and Rufus King, the under-written delegates for the Commonwealth of Massachusetts in the Congress of the United States of America, send greeting:

Whereas the general court of Massachusetts, on the thirteenth day of November, in the year of our Lord one thousand seven hundred and eighty-four, passed an act, entitled "An act empowering the delegates of this Commonwealth in the United States in Congress assembled to relinquish to the United States certain lands, the property of this Commonwealth," in the words following: "Whereas several of the States in the Union have at present no interest in the great and extensive tract of uncultivated country, lying in the westerly part of the United States; and it may be reasonable that the States above mentioned should be interested in the aforesaid country: Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, That the delegates of this Commonwealth in the United States in Congress assembled, or any three of the said delegates, be, and they hereby are, authorized and empowered, for and in behalf of this Commonwealth, to cede or relinquish, by authentic conveyance or conveyances, to the United States, to be disposed of for the common benefit of the same, agreeably to a resolve of Congress of October the tenth, one thousand seven hundred and eighty, such part of that tract of land, belonging to this Commonwealth, which lies between the river Hudson and Mississippi, as they may think proper, and to make the said cession in such manner, and on such conditions as shall appear to them to be most suitable." And whereas the said general court, on the seventeenth day of March, in the year of our Lord one thousand seven hundred and eighty-five, passed one other act, entitled "An act in addition to an act entitled an act empowering the delegates of this Commonwealth in the United States in Congress assembled, to relinquish to the United States certain lands, the property of this Commonwealth," in the words following: "Whereas by the act aforesaid, three delegates representing this State in Congress are necessary to make the cession aforesaid, and it may be necessary that the said business should be performed by a less number of the said delegates, Be it therefore enacted by the senate and house of representatives in general court assembled, and by the authority of the same, That any two delegates representing this Commonwealth in Congress be, and hereby are, authorized and empowered to do and perform all matters and things which by the act aforesaid might be done and performed by any three delegates as aforesaid, any thing in the aforesaid act notwithstanding." And whereas the said general court, on the seventeenth day of June, in the aforesaid year of our Lord one thousand seven hundred and eighty-four, did nominate and appoint the aforesaid Samuel Holten, and on the third day of November following the aforesaid Rufus King, delegates to represent the said Commonwealth of Massachusetts in the Congress of the United States of America for one year from the first Monday of November, in the said year one thousand seven hundred and eighty-four, which appointment remains in full force: Now, therefore, know ye that we, the said Samuel Holten and Rufus King, by virtue of the power

and authority to us committed by the said acts of the general court of Massachusetts before recited, in the name, and for and on behalf of the said Commonwealth of Massachusetts, do, by these presents, assign, transfer, quit claim, cede, and convey, to the United States of America, for their benefit, Massachusetts inclusive, all right, title, and estate of and in, as well the soil as the jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Massachusetts charter situate and lying west of the following line, that is to say, a meridian line to be drawn from the forty-fifth degree of north latitude through the westerly bent or inclination of Lake Ontario, thence by the said meridian line to the most southerly side line of the territory contained in the Massachusetts charter; but if on experiment the above-described meridian line shall not comprehend twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara, then we do by these presents, by virtue of the power and authority aforesaid, in the name and on behalf of the said Commonwealth of Massachusetts, transfer, quit claim, cede, and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title, and estate, of and in as well the soil as the jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Massachusetts charter, situate and lying west of the following line, that is to say, a meridian line to be drawn from the forty-fifth degree of north latitude through a point twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara; thence by the said meridian line to the most southerly side line of the territory contained in the Massachusetts charter aforesaid, for the purposes in the said recited acts declared, and to the uses in a resolve of Congress, of the tenth day of October, one thousand seven hundred and eighty, mentioned.

In testimony whereof we have hereunto subscribed our names, and affixed our seals in Congress, this nineteenth day of April, in the year of our Lord one thousand seven hundred and eighty-five, and of the Independence of the United States of America the ninth.

S. HOLTEN.
RUFUS KING.

Signed, sealed, and delivered in the presence of
BENJAMIN BANKSON, JUN.,
JOHN FISHER,
ROBERT PATTON.

The delegates for Massachusetts having executed the above deed of cession, Congress, April 19, 1785, passed the following:

Resolved, That Congress accept said deed of cession; and that the same be recorded and enrolled among the acts of the United States in Congress assembled.

CESSION FROM THE STATE OF CONNECTICUT.

October 10, 1780, Connecticut tendered cession of her claims to western lands to the United States with certain restrictions as to jurisdiction and other subjects, which was refused on account of unsatisfactory conditions.

On the second Thursday of May, 1786, the legislature of the State authorized her delegates in Congress to make a cession of her western lands with certain conditions.

May 26, 1786, the Congress resolved to accept the proposed cession when duly made.

Connecticut's cession of September 19, 1786, yielded to the United States both soil and jurisdiction over her claims west of a meridian passing one hundred and twenty miles west of the west boundary of Pennsylvania, and extending westward to the Mississippi Rive, being a strip of land having the parallel 41° north latitude for its southern boundary and the parallel 42° 2′ north latitude for its northern boundary, and now forming a portion of the northern part of the States of Illinois, Indiana, and Ohio to the meridian one hundred and twenty miles west of Pennsylvania and the southern portion of the State of Michigan.

Deed of cession.

To all who shall see these presents, we, William Samuel Johnson and Jonathan Sturges, the underwritten delegates for the State of Connecticut in the Congress of the United States, send greeting:

Whereas the general assembly of the State of Connecticut, on the second Thursday of May, in the year of our Lord one thousand seven hundred and eighty-six, passed an act in the following words, viz: "Be it enacted by the governor, council, and rep-

house of representatives, in general court assembled, that the State of Connecticut doth hereby renounce forever for the use and benefit of the United States, and of the several individual States, who may be therein concerned respectively, and of all those deriving claims or titles from them, or any of them, all territorial and jurisdictional claims whatever, under any grant, charter, or charters whatever, to the soil and jurisdiction of any and all lands whatever, lying westward, northwestward, and southwestward, of those counties in the State of Connecticut, which are bounded westwardly by the eastern line of the State of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three; excepting only from this renunciation, the claim of the said State of Connecticut, and of those claiming from or under the said State of Connecticut, to the soil of said tract of land, in said act of Congress described under the name of the Western Reserve of Connecticut. And be it further enacted, That the governor of this State for the time being, be, and hereby is, empowered, in the name and behalf of this State, to execute and deliver to the acceptance of the President of the United States, a deed of the form and tenor directed by the said act of Congress, expressly releasing to the United States the jurisdictional claims of the State of Connecticut, to all that territory called the Western Reserve of Connecticut, according to the description thereof in said act of Congress, and in as full and ample manner as therein is required.

Therefore, know ye, that I, Jonathan Trumbull, governor of the State of Connecticut, by virtue of the powers vested in me, as aforesaid, do, by these presents, in the name and for and on behalf of the said State, remise, release, and forever quit claim, to the United States, the jurisdictional claim of the State of Connecticut, to all that tract of land called in the aforesaid act of Congress, the Western Reserve of Connecticut, and as the same therein under that name is particularly and fully described.

In witness whereof, I have hereunto subscribed my name, and affixed my seal, in the council chamber at Hartford, in the State of Connecticut, this thirtieth day of May, in the year of our Lord one thousand eight hundred, and in the twenty-fourth year of the Independence of the United States.

JONATHAN TRUMBULL. [L. S.]

The act of April 28, 1800, was, in effect, an act to quiet title, and gave grantees and holders from Connecticut the warrant of a United States patent.

CESSION FROM THE STATE OF SOUTH CAROLINA.

March 8, 1787, the general assembly of the State of South Carolina authorized her delegates in Congress to convey to the United States all western territory held and claimed by her.

August 9, 1787, the Congress passed a resolution of acceptance of the cession, as follows:

Resolved, That Congress are ready to accept the cession of the claim of the State of South Carolina, to the tract of country described in the act of said State, whenever the delegates will execute a deed, conformable to said act.

The lands ceded by South Carolina and claimed under her charter and known as her western territory were embraced in an oblong strip from twelve to fourteen miles wide, extending from her northwestern boundary as it now is along and south of the thirty-fifth degree of north latitude, to the Mississippi River, and now lie in and form the extreme northern portion of the States of Georgia, Alabama, and Mississippi.

By virtue of the powers in them vested the delegates of the State of South Carolina, for and in behalf of the said State, executed the following deed of cession to the United States of America:

Deed of cession.

To all who shall see these presents, we, John Kean and Daniel Huger, the underwritten delegates for the State of South Carolina, in the Congress of the United States, send greeting:

Whereas the general assembly of the State of South Carolina, on the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, passed an act in the words following, viz: "An act to authorize the delegates of this State in Congress to convey to the United States in Congress assembled, all the right of this State to the territory herein described: Whereas the Congress of the United States did, on the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several States in the Union having claims to western territory to make a liberal cession to the United States of a portion of their respective claims for the common benefit of the Union; and whereas this State is willing to adopt every measure

benefit of the persons holding and claiming under the State of Connecticut, their heirs and assigns forever, whereby all the right, title, interest, and estate of the United States to the soil of that tract of land lying west of the west line of Pennsylvania, as claimed by the State of Pennsylvania, and as the same has been actually settled, ascertained, and run, in conformity to an agreement between the said State of Pennsylvania and the State of Virginia, and extending from said line westward one hundred and twenty statute miles in length, and in breadth throughout the said limits in length from the completion of the forty-first degree of north latitude, until it comes to forty-two degrees and two minutes north latitude, including all that territory commonly called the Western Reserve of Connecticut, and which was excepted by said State of Connecticut out of the cession by the said State heretofore made to the United States, and accepted by a resolution of Congress of the fourteenth of September, one thousand seven hundred and eighty-six, shall be released and conveyed, as aforesaid, to the said governor of Connecticut, and his successors in said office, forever, for the purpose of quieting the grantees and purchasers under said State of Connecticut, and confirming their titles to the soil of the said tract of land.

Provided, however, That such letters-patent shall not be executed and delivered, unless the State of Connecticut shall, within eight months from passing this act, by a legislative act, renounce, forever, for the use and benefit of the United States, and of the several individual States who may be therein concerned, respectively, and of all those deriving claims or titles from them, or any of them, all territorial and jurisdictional claims whatever, under any grant, charter or charters whatever, to the soil and jurisdiction of any and all lands whatever lying westward, northwestward, and southwestward of those counties in the State of Connecticut, which are bounded westwardly by the eastern line of the State of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three, excepting only from such renunciation the claim of said State of Connecticut, and of those claiming from or under the said State, to the soil of said tract of land herein described under the name of the Western Reserve of Connecticut.

And provided also, That the said State of Connecticut shall, within the said eight months from and after passing this act, by the agent or agents of said State, duly authorized by the legislature thereof, execute and deliver to the acceptance of the President of the United States, a deed expressly releasing to the United States the jurisdictional claim of the said State of Connecticut, to the said tract of land herein described under the name of the Western Reserve of Connecticut, and shall deposit an exemplification of said act of renunciation, under the seal of the said State of Connecticut, together with said deed releasing said jurisdiction, in the office of the Department of State of the United States; which deed of cession, when so deposited, shall vest the jurisdiction of said territory in the United States: *Provided*, That neither this act, nor anything contained therein, shall be construed so as in any manner to draw into question the conclusive settlement of the dispute between Pennsylvania and Connecticut, by the decree of the Federal court at Trenton, nor to impair the right of Pennsylvania or any other State, or of any person or persons claiming under that or any other State, in any existing dispute concerning the right, either of soil or of jurisdiction, with the State of Connecticut, or with any person or persons claiming under the State of Connecticut: *And provided also*, That nothing herein contained shall be construed in any manner to pledge the United States for the extinguishment of the Indian title to the said lands, or further than merely to pass the title of the United States thereto.

May, 1800, second Thursday, Connecticut passed an act of renunciation of jurisdictional claim over and to the Western Reserve of Connecticut in Ohio in compliance with the act of Congress of April 28, 1800.

May 30, 1800, Jonathan Trumbull, governor of Connecticut, by deed and act completed title to the jurisdiction of the United States over the Western Reserve.

Deed and act of Connecticut.

To all who shall see these presents, I, Jonathan Trumbull, governor of the State of Connecticut, send greeting:

Whereas the general assembly of the State of Connecticut, at their session holden in Hartford on the second Thursday of May, one thousand and eight hundred, passed an act entitled "An act renouncing the claims of this State to certain lands therein mentioned," in the words following, to wit: "Whereas the Congress of the United States, at their session begun and holden in the city of Philadelphia, on the first Monday of December, in the year one thousand seven hundred and ninety-nine, made and passed an act in the words following, to wit: [here follows the act of Congress of the 28th of April, 1800:] therefore, in consideration of the terms, and in compliance with the provisions and conditions of the said act, Be it enacted by the governor and council, and

house of representatives, in general court assembled, that the State of Connecticut doth hereby renounce forever for the use and benefit of the United States, and of the several individual States, who may be therein concerned respectively, and of all those deriving claims or titles from them, or any of them, all territorial and jurisdictional claims whatever, under any grant, charter, or charters whatever, to the soil and jurisdiction of any and all lands whatever, lying westward, northwestward, and southwestward, of those counties in the State of Connecticut, which are bounded westwardly by the eastern line of the State of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three; excepting only from this renunciation, the claim of the said State of Connecticut, and of those claiming from or under the said State of Connecticut, to the soil of said tract of land, in said act of Congress described under the name of the Western Reserve of Connecticut. And be it further enacted, That the governor of this State for the time being, be, and hereby is, empowered, in the name and behalf of this State, to execute and deliver to the acceptance of the President of the United States, a deed of the form and tenor directed by the said act of Congress, expressly releasing to the United States the jurisdictional claims of the State of Connecticut, to all that territory called the Western Reserve of Connecticut, according to the description thereof in said act of Congress, and in as full and ample manner as therein is required.

Therefore, know ye, that I, Jonathan Trumbull, governor of the State of Connecticut, by virtue of the powers vested in me, as aforesaid, do, by these presents, in the name and for and on behalf of the said State, remise, release, and forever quit claim, to the United States, the jurisdictional claim of the State of Connecticut, to all that tract of land called in the aforesaid act of Congress, the Western Reserve of Connecticut, and as the same therein under that name is particularly and fully described.

In witness whereof, I have hereunto subscribed my name, and affixed my seal, in the council chamber at Hartford, in the State of Connecticut, this thirtieth day of May, in the year of our Lord one thousand eight hundred, and in the twenty-fourth year of the Independence of the United States.

JONATHAN TRUMBULL. [L. S.]

The act of April 28, 1800, was, in effect, an act to quiet title, and gave grantees and holders from Connecticut the warrant of a United States patent.

CESSION FROM THE STATE OF SOUTH CAROLINA.

March 8, 1787, the general assembly of the State of South Carolina authorized her delegates in Congress to convey to the United States all western territory held and claimed by her.

August 9, 1787, the Congress passed a resolution of acceptance of the cession, as follows:

Resolved, That Congress are ready to accept the cession of the claim of the State of South Carolina, to the tract of country described in the act of said State, whenever the delegates will execute a deed, conformable to said act.

The lands ceded by South Carolina and claimed under her charter and known as her western territory were embraced in an oblong strip from twelve to fourteen miles wide, extending from her northwestern boundary as it now is along and south of the thirty-fifth degree of north latitude, to the Mississippi River, and now lie in and form the extreme northern portion of the States of Georgia, Alabama, and Mississippi.

By virtue of the powers in them vested the delegates of the State of South Carolina, for and in behalf of the said State, executed the following deed of cession to the United States of America:

Deed of cession.

To all who shall see these presents, we, John Kean and Daniel Huger, the underwritten delegates for the State of South Carolina, in the Congress of the United States, send greeting:

Whereas the general assembly of the State of South Carolina, on the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, passed an act in the words following, viz: "An act to authorize the delegates of this State in Congress to convey to the United States in Congress assembled, all the right of this State to the territory herein described: Whereas the Congress of the United States did, on the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several States in the Union having claims to western territory to make a liberal cession to the United States of a portion of their respective claims for the common benefit of the Union; and whereas this State is willing to adopt every measure

which can tend to promote the honor and dignity of the United States, and strengthen their Federal Union: Be it therefore enacted by the honorable the senate and house of representatives in general assembly met and sitting and by the authority of the same, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and they are hereby fully authorized and empowered for and on behalf of this State, by proper deeds or instruments in writing, under their hands and seals, to convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this State hath to the territory or tract of country within the limits of the charter of South Carolina, situate, lying, and being within the boundaries and lines hereinafter described; that is to say, all the territory or tract of country included within the river Mississippi and a line beginning at that part of the said river which is intersected by the southern boundary line of the State of North Carolina, and continuing along the said boundary line until it intersects the ridge or chain of mountains which divides the eastern from the western waters, then to be continued along the top of the said ridge of mountains until it intersects a line to be drawn due west from the head of the southern branch of Tugoloo River to the said mountains, and thence to run a due west course to the river Mississippi. In the senate house, the eighth day of March, in the year of our Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America. John Lloyd, president of the senate; John Julius Pringle, speaker of the house of representatives." And whereas the said John Kean and Daniel Huger were, on the sixth day of March, one thousand seven hundred and eighty-seven, elected delegates to represent the State of South Carolina, according to the law of said State, in the Congress of the United States until the first Monday in November in the said year one thousand seven hundred and eighty-seven, which election remains in full force, and the said John Kean and Daniel Huger are the lawful delegates of said State, in the Congress of the United States: Now, therefore, know ye, that we, the said John Kean and Daniel Huger, by virtue of the power and authority to us committed by the said act of the general assembly of South Carolina before recited, in the name and for and in behalf of the State of South Carolina, do by these presents assign, transfer, quit claim, cede, and convey to the United States of America for their benefit (South Carolina inclusive), all the right, title, interest, jurisdiction, and claim which the State of South Carolina hath in and to the before mentioned and described territory or tract of country as the same is bounded and described in the said act of assembly, for the uses in the said recited act of assembly declared.

In witness whereof, we have hereunto set our hands and seals, this ninth day of August, in the year of our Lord one thousand seven hundred and eighty-seven, and of the sovereignty and Independence of America the twelfth.

JOHN KEAN. [L. S.]
DANIEL HUGER. [L. S.]

Signed, sealed, and delivered, in presence of
CHARLES THOMSON,
ROGER ALDEN,
BENJAMIN BANKSON.

In the Congress August 9, 1787, this cession was accepted.

CESSION FROM THE STATE OF NORTH CAROLINA.

North Carolina was the first State to make a cession of western lands to the Government of the United States under the Constitution of 1789.

December 22, 1789, by act of assembly, the State of North Carolina authorized her Senators and Representatives in Congress to make cession to the United States of her western territory.

February 25, 1790, a deed of cession was offered on behalf of North Carolina, by Samuel Johnston and Benjamin Hawkins, Senators in Congress.

The western territory claimed and ceded by the State of North Carolina was embraced within the zone lying to the west of her western boundary with the thirty-fifth parallel north latitude for its southern boundary, and the parallel 36° 30′ north latitude for its northern boundary, being the territory now constituting the area of the present State of Tennessee.

The act of cession contained ten conditions.

Act accepting deed of cession from North Carolina, April 2, 1790.

AN ACT to accept a cession of the claim of the State of North Carolina to a certain district of western territory.

A deed of cession having been executed, and in the Senate offered for acceptance

to the United States, of the claims of the State of North Carolina, to a district of territory therein described; which deed is in the words following, viz:

"To all who shall see these presents: We, the underwritten Samuel Johnston and Benjamin Hawkins, Senators in the Congress of the United States of America, duly and constitutionally chosen by the legislature of the State of North Carolina, send greeting:

"Whereas the general assembly of the State of North Carolina, on the [22d] day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act, entituled "An act for the purpose of ceding to the United States of America certain western lands therein described," in the words following, to wit:

"Whereas the United States, in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: Now this State, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens:

"Be it enacted by the general assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Senators of this State, in the Congress of the United States, or one of the Senators and any two of the Representatives of this State, in the Congress of the United States, are hereby authorized, empowered and required to execute a deed or deeds on the part and behalf of this State, conveying to the United States of America, all right, title, and claim which this State has to the sovereignty and territory of the lands situated within the chartered limits of this State, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it; running thence along the extreme height of the said mountain, to the place where Watauga River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain, to the Painted Rock, on French Broad River; thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoaky Mountain; thence along the extreme height of the said mountain, to the place where it is called the Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this State, upon the following express conditions, and subject thereto—that is to say: First, that neither the lands nor inhabitants westward of the said mountain, shall be estimated, after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this State with the United States, in the common expense occasioned by the late war; secondly, that the lands laid off, or directed to be laid off, by any act or acts of the general assembly of this State, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this State, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation, within the said bounds, are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the governor for the time being shall, and he is hereby required to, perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to, all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and preemption, and every other right reserved by any act or acts to persons settled on, and occupying lands within the limit of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood, that if any person or persons shall have, by virtue of the act, entituled "An act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground

on which any other person or persons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees, shall have leave and be at full liberty to remove the location of such entry or entries to any lands on which no entry has been specially located, or on any vacant lands included within the limits of the lands hereby intended to be ceded: Provided, That nothing herein contained shall extend, or be construed to extend, to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the general assembly of this State. Thirdly, that all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund, for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. Fourthly, that the territory so ceded, shall be laid out and formed into a State or States, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late Congress for the government of the western territory of the United States, that is to say: Whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this State, an authenticated copy of the act to be passed by the Congress of the United States, accepting the cession of territory made by virtue of this act, under the express conditions hereby specified, the said Congress shall, at the same time, assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy: Provided, always, That no regulations made, or to be made, by Congress shall tend to emancipate slaves. Fifthly, that the inhabitants of the said ceded territory shall be liable to pay such sums of money, as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this State. Sixthly, that all persons indebted to this State, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties, as if this act had never been passed. Seventhly, that if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this State, within eighteen months from the passing of this act, then this act shall be of no force or effect whatsoever. Eighthly, that the laws in force and use in the State of North Carolina, at the time of passing this act, shall be and continue in full force within the territory hereby ceded until the same shall be repealed or otherwise altered by the legislative authority of the said territory. Ninthly, that the lands of non-resident proprietors within the said ceded territory shall not be taxed higher than the lands of residents. Tenthly, that this act shall not prevent the people now residing South of French Broad, between the rivers Tennessee and Big Pigeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present general assembly. And be it further enacted by the authority aforesaid, That the sovereignty and jurisdiction of this State, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

"Read three times, and ratified in general assembly the —— day of December, A. D. 1789.

"CHAS. JOHNSON, *Sp. Sen.*
"S. CABARRUS, *Sp. H. C.*

"Now, therefore, know ye, that we, Samuel Johnston and Benjamin Hawkins, Senators aforesaid, by virtue of the power and authority committed to us by the said act, and in the name, and for and on behalf of the said State, do, by these presents, convey, assign, transfer, and set over, unto the United States of America, for the benefit of the said States, North Carolina inclusive, all right, title, and claim which the said State hath to the sovereignty and territory of the lands situated within the chartered limits of the said State, as bounded and described in the above-recited act of the general assembly, to and for the uses and purposes, and on the conditions mentioned in the said act.

"In witness whereof, we have hereunto subscribed our names and affixed our seals, in the Senate Chamber at New York, this twenty-fifth day of February, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the United States of America. "SAM. JOHNSTON. [L. S.]
"BENJ. HAWKINS. [L. S.]

"Signed, sealed, and delivered in the presence of
"SAM. A. OTIS."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said deed be, and the same is hereby, accepted.

CESSION FROM THE STATE OF GEORGIA.

The seventh and last State to make a cession to the United States by virtue of holding under charter grants was the State of Georgia.

February 5, 1788, the assembly of Georgia authorized her delegates in Congress to make cession of her western territory to the United States. This tender was for territory which was substantially embraced within the British province of West Florida, and lay north of the thirty-first parallel of north latitude, and which had been defined and its boundaries altered upon recommendation of the British board of trade March 23, 1764, from Whitehall. This province was created by proclamation of King George III., October 7, 1763, after the treaty of Paris, February 10, 1763. The colony of Georgia, at that time, lay to the east of this new colony and had annexed to it by the same proclamation all the lands lying between the rivers Altamaha and Saint Mary's

Congress by resolution July 15, 1788, rejected the proposition.

April 7, 1798, the Congress of the United States passed an act for an amicable settlement of limits within the State of Georgia and authorizing the establishment of a government in the Mississippi territory, viz:

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is, authorized to appoint three commissioners, any two of whom shall have power to adjust and determine, with such commissioners as may be appointed under the legislative authority of the State of Georgia, all interfering claims of the United States and that State to territory situate west of the river Chatahouchee, north of the thirty-first degree of north latitude, and south of the cession made to the United States, by South Carolina; and also, to receive any proposals for the relinquishment or cession of the whole or any part of the other territory claimed by the State of Georgia, and out of the ordinary jurisdiction thereof.

SEC. 2. *And be it further enacted*, That all the lands thus ascertained as the property of the United States, shall be disposed of in such manner as shall be hereafter directed by law; and the nett proceeds thereof shall be applied to the sinking and discharging the public debt of the United States, in the same manner as the proceeds of the other public lands in the territory northwest of the river Ohio.

SEC. 3. *Be it further enacted*, That all that tract of country bounded on the west by the Mississippi; on the north by line to be drawn due east from the mouth of the Yazous to the Chatahouchee River; on the east by the river Chatahouchee; and on the south by the thirty-first degree of north latitude, shall be, and hereby is, constituted one district, to be called the Mississippi Territory.

The present area of the States of Alabama and Mississippi (except a strip on the north of the State, which was ceded by South Carolina), and territory north of the thirty-first degree of north latitude, was contained in the Territory of Mississippi.

Section 5 of the act provided "that the establishment of this government shall in no respect impair the right of the State of Georgia, or of any person or persons, either to the jurisdiction or the soil of the said territory; but the rights and claims of the said State, and all persons interested, are hereby declared to be as firm and available as if this act had never been made."

Under this act President Adams appointed James Madison, Albert Gallatin, and Levi Lincoln commissioners on behalf of the United States, and James Jackson, Abraham Baldwin, and John Milledge were appointed commissioners by the State of Georgia.

After all the testimony as to the Yazoo claims was in, and reports had been examined, May 10, 1800, the Congress of the United States, by an act supplemental to the act of April 7, 1798, in the tenth section, provided:

SEC. 10. *And be it further enacted*, That it shall be lawful for the commissioners appointed, or who may hereafter be appointed, on the part of the United States, in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia and authorizing the establishment of a government in the Mississippi Territory," or any two of them, finally to settle, by compromise, with the commissioners which have been, or may be, appointed by the State of Georgia, any claims mentioned in said act, and to receive, in behalf of the United States, a cession of any lands therein mentioned, or of the jurisdiction thereof, on such terms as to them shall appear reasonable; and, also, that the said commissioners on the part of the United States, or any two of them, be authorized to inquire into the claims which are, or shall be, made by

RESERVATIONS MADE BY STATES IN THE DEEDS OF CESSION AND CLAIMS TO LANDS PROTECTED BYCESSIONS.

WESTERN RESERVE OF CONNECTICUT IN OHIO.

The cessions by States were accompanied in some cases by important reservations. The last district ceded by Connecticut, May 30, 1800, having been excluded in the first cession of September 14, 1786, was called the "Western Reserve of Connecticut in Ohio." These lands now lie in the counties of Ashland, Ashtabula, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Ottawa, Portage, Summit, and Trumbull; in all, fourteen counties in the State of Ohio, and contain about 3,800,000 acres. This tract lies to the north of the forty-first parallel north latitude, to Lake Erie, and runs westward 120 miles from the western boundary of the State of Pennsylvania.

"FIRE-LANDS."

About 500,000 acres of this tract, now lying in the counties of Erie, Huron, and Ottawa, in Ohio, and in the western part of the Reserve, Connecticut donated to the use of such of her citizens as suffered (at Danbury and other points) loss by fire and raids by British troops and raiders during the Revolutionary War. These became known as the "Fire-lands." The remainder of the Western Reserve was sold September 9, 1795, by the State of Connecticut to a company—about 3,000,000 acres at forty cents per acre—realizing some $1,200,000, which became the basis of her present common-school fund. These Connecticut reservations aggregated about 4,300,000 acres.

VIRGINIA.

Virginia stipulated that a quantity of lands, not exceeding 150,000 acres, should be laid off in one tract, the length of which should not exceed twice the breadth, to satisfy the claims of General George R. Clarke, and the officers and soldiers under his command in her State service, and which composed his force in his expedition to Illinois, and which had reduced that country. This, according to the terms of the reservation, was selected and located near the falls of the Ohio, and distributed among the claimants according to the laws of Virginia. It now lies in the State of Indiana. Virginia also stipulated for the confirmation of the holdings of the French and Canadian residents at Kaskaskia and Saint Vincents; all of which was afterward affirmed by the United States.

VIRGINIA MILITARY LANDS.

It was further stipulated in this cession that in case the lands in Kentucky, between the Green and Tennessee rivers, which had been reserved to meet the land bounty claims of the Virginia revolutionary officers and soldiers of her continental quota under her laws, should prove inadequate, the deficiency should be supplied in good lands to be selected and surveyed by the claimants themselves in a district allotted them on the north side of the Ohio River and between the Scioto and Little Miami rivers, lying in the present counties of Adams, Anglaize, Brown, Champaign, Clark, Clermont, Clinton, Delaware, Fayette, Franklin, Greene, Hamilton, Hardin, Highland, Logan, Madison, Marion, Pickaway, Pike, Ross, Scioto, Union, and Warren—twenty-three counties known as "the Virginia Military Lands."

The loose method and entire absence of public monuments of survey in the "Virginia Military District," was necessarily productive of many conflicts of title, requiring a long course of litigation to settle.

After a quarter of a century, however, titles became measurably quieted and the march of improvement was accelerated. This district embraces a body of 6,570 square miles or 4,204,800 acres. It was the subject of much legislation on the part of Congress, as the laws show, for a period of fifty years prior to 1871.

By act of Congress, February 18th, 1871, the unsurveyed and unappropriated lands in this district were ceded to the State of Ohio, each settler thereon to have a pre-emption right of 160 acres. The State of Ohio, March 26, 1872, accepted the grant and conveyed the same to the trustees of the Ohio Agricultural and Mechanical College, for the benefit of that institution. These lands were in the unsettled portions of three counties and also in Pickaway County, viz, in the "Sun-fish hills" of Pike and the "Red Brush" country of Scioto and Adams counties, and amounted to 76,735.44 acres and were appraised at $74,287.45. These lands were sold by an agent of the college, under authority of the State.

NORTH CAROLINA.

The reservations of North Carolina present a singular chapter in the history of the public domain. Among the conditions of transfer it was stipulated that three classes of claims should be satisfied from the public lands ceded by that State before any other disposition of them should be made. These reservations were as follows: 1st. Appropriations of land by the State of North Carolina to her continental and State officers and soldiers, each claimant to select and lay off his legal complement in such locality as he might choose, without reference to any public standards of survey. 2d. Grants of land, whether located upon the soil or not, made to individuals under the laws of the State, including all inceptive or perfected rights, whether acquired by formal entry, by actual occupancy, by pre-emption privilege, or by special reservation. 3d. Entries under the law of 1783, in the office of one John Armstrong, an entry taker, whose legal status it is not easy now to ascertain, conflicting with prior claims; such entries were to be relocated upon unappropriated lands elsewhere.

By a report made to Congress, November 10, 1791, by Jefferson, Secretary of State, it appears that the Indian title within the ceded territory had been extinguished to about 7,500,000 acres, whereas the claims already reported amounted to 8,118,601½ acres, many of them located within the limits guaranteed to the Cherokees and Chickasaws by the treaties of Hopewell and Holston.

The Government of the United States, by treaty, purchase, or conquest, extinguished at different times the Indian title to the remaining lands in Tennessee, but the North Carolina claims absorbed the great mass of the eligible lands. Finding that the remnant would scarce pay expense of disposal, Congress, by act of February 18, 1841, made Tennessee its agent for the disposal of all unappropriated lands within the State, granting to the State any surplus after satisfying the North Carolina claims.

GEORGIA.

The most important conditions in the Georgia cession were: First, payment by the United States to Georgia of $1,200,000 from sale of public lands in said cession. Second, 500,000 acres therein should be set aside, or the proceeds of sale thereof, to satisfy claims against lands in the cession. Third, extinguishment of Indian titles to certain portions of the cession.

YAZOO CLAIMS.

In the efforts of Georgia to make cession of her western lands to the United States, beginning February 5, 1788, there was involved the question of the title of the State to certain lands lying west of her present boundaries. It was claimed by the United States that the State of Georgia was attempting in the proposed cession to cede some territory to which they had no valid or legal claim, and further claimed that certain large claims, pretended to be derived from that State, and known by the name of "Yazoo claims," rendered it important for the United States to prove that a considerable portion of the territory thus claimed was not within the boundaries of Georgia, nor of any other State, at the date of the treaty of peace with Great Britain, September 3, 1783, and became therefore immediately vested in the United States by virtue of that treaty.

The charter of Carolina having been surrendered to the Crown by the proprietors South Carolina became a regal colony, the boundaries of which might be altered by the Crown according to circumstances. Georgia was accordingly erected into a separate government, and her charter having been surrendered by the trustees, she also became a regal colony. Her southern boundary was originally the Altamaha River, and thence westwardly a parallel of latitude passing by the source of that river. The territory between the rivers Altamaha and Saint Mary's was annexed to it by the King's proclamation of the 7th October, 1763, and, though not positively expressed by that instrument, it appears by the commission of Governor Wright, dated 20th January, 1764, that the jurisdiction extended to the river Mississippi, as far south as the thirty-first degree of north latitude, which, according to the proclamation, formed the northern boundary of the new British province of West Florida. But, on the representation of the board of trade, the boundaries were altered, and it appears from the second commission of Governor Johnstone, of that province, and from those of the subsequent governors, Elliott and Chester, that West Florida, from the 6th day of June, 1764, and thence as long as it continued under the British Government, was bounded on the north by a parallel of latitude passing by the mouth of the river Yasous, or about 32° 30′ of north latitude. The jurisdiction of the governors of West Florida did accordingly, in fact, extend to the territory lying between that parallel and the thirty-first degree, as well as south of this. Lands were granted by them within those boundaries, and, when not subsequently forfeited, continue to be held under that title. That portion of territory (viz, between the thirty-first degree and 32° 30′ of latitude) appears therefore to have been acquired, not by any of the States as lying within its boundaries, but by the United States as part of West Florida, and for the benefit of the whole Union.

The Yazoo claims, so called, embracing about 35,000,000 acres in the Mississippi Territory, and derived from a pretended sale by the legislature of Georgia, in 1789–1795, were declared null, as fraudulent, by a subsequent legislature. The evidence, as published by the State of Georgia and by Congress, shows that that transaction, even if considered as a contract, is, as such, on acknowledged principles of law and equity, null *ab initio:* it being in proof that all the members of the legislature who voted in favor of the sale, that is to say, the agents who pretended to sell the property of their constituents, were, with the exception of a single person, interested in, and parties to the purchase.*

The first legislature of Georgia, which met December 24, 1789, sold the pre-emption right to certain lands beyond the Chattahoochee, viz, 5,000,000 of acres, to the Virginia Yazoo Company, for $93,724; 5,000,000 of acres to the South Carolina Yazoo Company, for $66,964; 3,500,000 of acres to the Tennessee Yazoo Company, for $46,875, to be paid in two years. The companies tendered payment to the State of Georgia in depreciated State paper. The State objected, and a succeeding legislature enacted that the bargain was at an end. The three companies above named (and a fourth company) sold out a large portion of their claims to persons in the Middle and New England States, and various companies were formed under said sales, and many influential men became interested. In February, 1796, the Georgia legislature passed an act revoking the sale to the Georgia, the Georgia Mississippi, the Upper Mississippi, and the Tennessee companies for lands west of the Chattahoochee, for which they had paid about $500,000.†

In January, 1795, the two houses of the legislature of Georgia moved in procession to a fire in front of the State capitol, and with solemn ceremonies burned the act of sale of the lands.

In Fletcher *vs.* Peck (6 Cranch, 87,) the Supreme Court of the United States decided that the act of the Georgia legislature repealing the prior act for the sale of the land

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* Albert Gallatin, one of the commissioners to act upon the Georgia case. *Vide* Land Laws, 1810.

† Sales were made to a company called "The Georgia Company," and to one called "The Upper Mississippi Company," January 7, 1795; to the Tennessee Company under same grant, and to the Georgia and Mississippi Company for $500,000.—ALBERT GALLATIN.

was unconstitutional and void, was in violation of a contract, and that claimants' title was good and valid.

By act of March 31, 1814, Congress provided for the issuing of scrip to the Georgia claimants, non-interest bearing, receivable in payment for public lands in Mississippi, and redeemable out of the proceeds of the sale of the lands therein after Georgia's cession lien was satisfied.

For a full statement of the testimony taken in the Georgia cases by the State of Georgia and reported January 25, 1796, to the House of Representatives, see pp. 512–541, Vol. 1, Laws of the United States, edition of Browne & Duane; also see Hildreth's United States, Vols. 4, 5, and 6; American State Papers, Public Lands, Vol. 1; and the recommendation of the commissioners, Madison, Gallatin, and Lincoln, in 1803, as to redemption and compromise.

The United States, in addition to the 1,500 square miles of territory given to Georgia now on her northern boundary, paid more than $3,000,000 in money in settlement of the Yazoo and other claims under said deed of cession and subsequent laws of Congress, and in all paid in money from land sold for benefit of State and for "Yazoo scrip," about $6,200,000.

CONNECTICUT AND PENNSYLVANIA BOUNDARY QUESTION.

Connecticut, after vainly contending with Pennsylvania in regard to the zone between the forty-first and forty-second parallels lying in the last named State, known as the Wyoming controversy, and the claims for land under the Susquehannah Company, which was referred to a Federal court (under an article of the Articles of Confederation) which met at Trenton, New Jersey, and which in 1782 decided the right of jurisdiction to lie in the State of Pennsylvania, finally yielded the point, but pressed her claim to the same zone west of the western boundary of the State of Pennsylvania to the Mississippi River. Finally she reserved the eastern end of her claim, now known as the Western Reserve of Connecticut in Ohio, only yielding to the United States a jurisdictional claim to the same until after 1800. The remainder of this claim for charter zone to the Mississippi River, to the west of the Reserve and now in Ohio, Indiana, Illinois, and Michigan, became public domain of the United States. Virginia also claimed this region by reason of Clarke's capture and occupancy under her authority. And thus the United States obtained their first public domain for disposition by sale or settlement by Congress.

THE PUBLIC DOMAIN.

By these several acts of cession from seven of the original States (colonies prior to July 4, 1776) of the Union, the United States came into possession of all that portion of the public domain lying east of the Mississippi and north of the thirty-first parallel north latitude. The basis of the claims of these States was the grants from the Crown of England. The power of the King to erect new provinces, and subsequently to annul chartered privileges, involved constitutional questions under the system of laws then subsisting. It should, however, be mentioned in connection with colonial charters that George III, by proclamation of October 7, 1763, organizing the territory acquired from France by the treaty of Paris, February 10, 1763, into four new governments, reserved for the use of the Indians all land and territories not included in those governments, or within the limits of the Hudson Bay Company, "as also all lands and territories lying to the westward of the sources of the rivers which fall into the sea from the west and northwest, as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our special leave and license for that purpose first obtained." The fact that the King felt himself bound to

appeal to the courts, and to vacate the charters of Virginia and Massachusetts by writs of *quo warranto*, would seem to indicate that in that day the royal prerogative did not embrace the power of annulling charters. A violation of contract on the part of grantees was made the ground of vacating the charters. George III, however, assumed higher ground, and claimed by mere proclamation, without consulting Parliament, to restrict the territory of the first and second colonies of Virginia, of Massachusetts, and Connecticut to the watershed of the Atlantic streams, whereas the original charters extended their jurisdiction westward to the Pacific Ocean. By the colonies themselves, however, this proclamation of George III. was treated as a nullity. Virginia, Connecticut, Massachusetts, New York, North and South Carolina, and Georgia claimed the full quota of territory under their original charters, with the exception, however, of such areas as they, by negotiation, had acknowledged to have been alienated to other colonies. Thus Connecticut and Massachusetts had yielded those portions of their original charters which were covered by the actual settlements of New York and Pennsylvania. The United States, having cessions from the several States, was indifferent as to the conflicting claims of the latter to western territory, or, as the laws said, waste and uncultivated land. The Federal Government wanted the domain, and for that reason never interfered with these boundary questions except to enforce laws.

AREA OF STATE CESSIONS TO THE UNITED STATES.

NEW YORK.

The New York cession now lies in Erie County, Pennsylvania, west of New York (315.96 square miles, 202,187 acres), and forms the northwestern portion of the State of Pennsylvania (also claimed by Massachusetts and included in her cession), and claims to Indian lands purchased by the State from the Six Nations, beginning in 1748, indefinite as to area, but lying west of Pennsylvania and north of the Ohio River, and not recognized in the organization of the territory northwest of the river Ohio.

VIRGINIA.

The Virginia cessions were for all the territory west of the State of Pennsylvania and northwest of the river Ohio and below the forty-first parallel of north latitude, and the area of the State of Kentucky south of the river Ohio and north of her southern boundary. The above tract, being in and lying between the southern boundary line of the colony and State of Virginia, under charter of April 10, 1606, 34° north latitude, and its northern boundary line 41° north latitude, and from the Atlantic Ocean to the international boundary, the Mississippi River, excluding the States of Pennsylvania, Delaware, Maryland, and New Jersey, on or near the Atlantic, which held under charters from the Crown of England, and which subsequently were erected into proprietary or crown colonies from lands embraced in the Virginia charter of 1606. She had an additional claim to this territory extending north from the forty-first parallel north latitude to Lakes Michigan and Huron, now in Illinois and Michigan, and northward, by reason of conquest and occupancy by her State troops under General Geo. Rogers Clarke during the Revolutionay War.

The present area of the State of Kentucky, 37,680 square miles, was ceded to that State. It lies south of the Ohio River and contains no public domain.

Virginia's cessions to the United States were—	Square miles.
The area of the State of Ohio (excepting the Western Reserve and Fire-lands, claimed by the State of Connecticut), under charters and capture claims, excluding claims for lands now in Michigan	39,964
The State of Indiana (charters and capture)	33,809
The State of Illinois (charters and capture)	55,414

	Square miles.
She also ceded lands claimed by the States of Connecticut and Massachusetts under their crown charters, as well as by the United States under the definitive treaty of peace with Great Britain of 1783:	
In Michigan	56,451
In Wisconsin	53,924
In Minnesota, east of Mississippi River	26,000
Total (disputed and undisputed) cession	265,562

Or 169,959,680 acres.

MASSACHUSETTS AND CONNECTICUT.

The cessions of Massachusetts and Connecticut were claims to territory between latitudinal lines, being extensions of their north and south boundary lines under their charters from the British Crown, and from the western boundaries of crown grants subsequent (viz, New York and Pennsylvania), the Connecticut claim being north of the forty-first parallel north latitude (the south boundary line of Connecticut), running along this to the Mississippi River and north in width to the south line of the Massachusetts claim, viz, 42° 2′ north latitude, or about 62 miles in width, and now lying in the south of the State of Michigan, and in the north of the States of Ohio (including the Western Reserve and Fire-lands), Indiana, and Illinois, estimated to contain about 40,000 square miles.

CLAIM OF AREA BY MASSACHUSETTS.

The claim of Massachusetts was for a strip of territory from the western boundary of New York, being an extension along the line between Pennsylvania and New York, viz, 42° 2′ north latitude and to the Mississippi River; also the south boundary line of Massachusetts north to a line extending a league in width from the inflow of Lake Winnipisogee, in the State of New Hampshire, across the country to the Mississippi River, about 43° 43′ 12″ north latitude, being a strip about one hundred miles in width and now lying in the southern part of the States of Wisconsin and Michigan and northern part of the State of Illinois, and estimated to contain about 54,000 square miles, and also the "Erie Purchase," now in the State of Pennsylvania, containing 315.91 square miles, or 202,187 acres, also claimed to have been ceded by New York.

SOUTH CAROLINA.

The lands ceded by South Carolina constitute a strip lying west of the western boundary and west of the eighty-third meridian west of Greenwich, running along the thirty-fifth degree of latitude north to the Mississippi River, twelve to fourteen miles in width, and now lying in the extreme northern part of the States of Georgia (1,500 square miles), Alabama (1,700 square miles), and Mississippi (1,700 square miles,) and containing, estimated, 4,900 square miles, or 3,136,000 acres.

NORTH CAROLINA.

The cession of the State of North Carolina, claimed under her charter's western extension of her north and south boundary lines, being the tract of land within and from her western boundary to the Mississippi, now lies in and is the State of Tennessee, and contains 45,600 square miles, or 29,184,000 acres.

GEORGIA.

The last cession to the United States was by the State of Georgia, of the territory lying directly to the west of her western boundary and to the Mississippi River, and lying between (the north line being the same as the north line of the colony of Georgia) about 34° 40′ north latitude, and the thirty-first parallel of north latitude.

BRITISH PROVINCE OF WEST FLORIDA.

The British province of West Florida was substantially included in this: consisting of a territory south of a line from the west boundary of Georgia, on the parallel of about 32° 30′ north latitude to the Mississippi River on the west and south to the thirty-first parallel of north latitude, now lying in Alabama and Mississippi.

The jurisdiction of the British government of West Florida thus extended between the thirty-first parallel of north latitude and 32° 30′ north latitude. This province the United States claimed to have acquired by the definite treaty with Great Britain of 1783, and disclaimed knowledge of the ownership of the colony or State of Georgia thereto. The cession, however, settled all questions of doubt.

	Square miles.
Area now lying in Alabama north of the line of the province of West Florida, estimated	27,722
Area south of West Florida line and north of latitude 31° north	19,000
Total	46,722
Area, estimated, now lying in Mississippi north of line of province of West Florida,	26,900
South of West Florida and north of latitude 31° north	14,956
Total	41,856

In all, estimated, 88,578 square miles, or 56,689,920 acres.

TOTAL CESSIONS.

The total cessions by States to the United States, as detailed in this chapter, were 404,955.91 square miles, or 259,171,787 acres.

CHAPTER IV.

ACQUISITION BY PURCHASE, CONQUEST, AND TREATY, OF TERRITORY TO THE NATIONAL AND PUBLIC DOMAIN BY THE UNITED STATES, FROM 1803 TO 1867.

THE LOUISIANA PURCHASE FROM FRANCE.

In 1541 De Soto reached the Mississippi River.

In 1673 Father Marquette descended the Mississippi to its mouth.

In 1680 La Salle descended the Mississippi River and took possession of the country adjacent to it in the name of Louis XIV. of France, and called it "Louisiana."

In 1699 Lemoine d'Iberville founded the first colony at Biloxi, but dying soon after, Benille took command.

In 1706 these colonists made a new location on the site of what is now the city of New Orleans.

In 1712, September 14, Louis XIV. made a grant to Antoine de Crozat, a merchant of Paris, who had amassed a fortune of 40,000,000 livres in the India trade, the grant being for trading privileges.

[Extract from the grant to Crozat.]

Louis, by the grace of God, King of France and Navarre: To all who shall see these present letters, greeting:

The care we have always had to procure the welfare and advantage of our subjects, having induced us, notwithstanding the almost continual wars which we have been obliged to support, from the beginning of our reign, to seek for all possible opportunity of enlarging and extending the trade of our American colonies, we did, in the year sixteen hundred and eighty-three, give our orders to undertake a discovery of the countries and lands which are situated in the northern part of America, between New France and New Mexico: and the Sieur de la Salle, to whom we committed that enterprise, having had success enough to confirm a belief, that communication might be settled from New France to the Gulf of Mexico, by means of large rivers; this obliged us immediately after the peace of Ryswick, to give orders for the establishing a colony there, and maintaining a garrison, which has kept and preserved the possession we had taken in the very year 1683, of the lands, coasts, and islands, which are situated in the Gulf of Mexico, between Carolina on the east, and Old and New Mexico on the west. But a new war having broke out in Europe shortly after, there was no possibility, till now, of reaping from that new colony the advantages that might have been expected from thence, because the private men who are concerned in the sea trade were all under engagements with other colonies, which they have been obliged to follow: And whereas, upon the information we have received, concerning the disposition and situation of the said countries, known at present by the name of the province of Louisiana, we are of opinion that there may be established therein a considerable commerce, so much the more advantageous to our kingdom, in that there has hitherto been a necessity of fetching from foreigners the greatest part of the commodities which may be brought from thence; and because, in exchange thereof we need carry thither nothing but commodities of the growth and manufacture of our own kingdom; we have resolved to grant the commerce of the country of Louisiana to the sieur Anthony Crozat, our counsellor, secretary of the household, crown and revenue, to whom we entrust the execution of this project. We are the more readily inclined hereunto, because his zeal and the singular knowledge he has acquired in maritime commerce, encourage us to hope for as good success as he has hitherto had in the divers and sundry enterprises he has gone upon, and which have procured to our kingdom great quantities of gold and silver, in such conjunctures as have rendered them very welcome to us.

For these reasons, being desirous to show our favor to him, and to regulate the condition upon which we mean to grant him the said commerce, after having deliberated

this affair in our council, of our certain knowledge, full power and royal authority, we, by these presents, signed by our hand, have appointed and do appoint the said sieur Crozat, solely to carry on a trade in all the lands, possessed by us, and bounded by New Mexico, and by the lands of the English Carolina, all the establishments, ports, havens, rivers, and principally the port and haven of the Isle Dauphine, heretofore called Massacre; the river of St. Lewis, heretofore called Mississippi, from the edge of the sea, as far as the Illinois, together with the river of St. Philip, heretofore called the Missourys, and of St. Jerome, heretofore called Ouabache, with all the countries, territories, lakes within land, and the rivers which fall directly or indirectly into that part of the river St. Lewis.

The articles.

1. Our pleasure is, that all the aforesaid lands, countries, streams, rivers, and islands, be and remain comprised under the name of the government of Louisiana, which shall be dependent upon the general government of New France, to which it is subordinate; and further, that all the lands which we possess from the Illinois, be united, so far as occasion requires, to the general government of New France, and become part thereof, reserving, however, to ourselves the liberty of enlarging, as we shall think fit, the extent of the government of the said country of Louisiana.

3. We permit him to search for, open, and dig all sorts of mines, veins, and minerals, throughout the whole extent of the said country of Louisiana, and to transport the profits thereof into any port of France, during the said fifteen years; and we grant in perpetuity to him, his heirs, and others, claiming under him or them, the property of, in and to the mines, veins, and minerals, which he shall bring to bear, paying us, in lieu of all claim, the fifth part of the gold and silver which the said sieur Crozat shall cause to be transported to France, at his own charges, into what port he pleases, (of which fifth we will run the risk of the sea and of war,) and the tenth part of what effects he shall draw from the other mines, veins, and minerals; which tenth he shall transfer and convey to our magazines in the said country of Louisiana.

We likewise permit him to search for precious stones and pearls, paying us the fifth part in the same manner as is mentioned for the gold and silver.

We will, that the said sieur Crozat, his heirs, or those claiming under him or them the perpetual right, shall forfeit the propriety of the said mines, veins, and minerals, if they discontinue the work during three years, and that in such case the said mines, veins, and minerals, shall be fully reunited to our domain, by virtue of this present article, without the formality of any process of law, but only an ordinance of reunion from the subdelegate of the intendant of New France, who shall be in the said country; nor do we mean that the said penalty of forfeiture, in default of working for three years, be reputed a comminatory penalty.

7. Our edicts, ordinances, and customs, and the usages of the mayoralty and shrievalty of Paris, shall be observed for laws and customs in the said country of Louisiana.

Given at Fontainebleau, the 14th day of September, in the year of grace 1712, and of our reign the 70th.

LOUIS.

By the King:
PHELIPEAUX, &c.

Registered at Paris, in the Parliament, the four and twentieth of September, 1712.

Crozat surrendered this grant to the Crown, and abandoned his colony in 1717.

September 6, 1717, it was granted by Louis XIV. to "The Company of the West," afterward the Company of the Indies (the Mississippi Commercial Company, on which was based John Law's Mississippi scheme). This failed, and the charter was surrendered in 1730.

CESSION OF LOUISIANA BY FRANCE TO SPAIN.

November 3, 1762, France ceded to Spain that portion of the province of Louisiana lying east of the Mississippi River and the city of New Orleans.

Extract from the order of the King of France to Mons. L'Abbadie, Director General and Commandant for His Majesty in Louisiana, to deliver the province of Louisiana to the King of Spain.]

MONS. L'ABBADIE: By a special act, done at Fontainebleau, November 3d, 1762, of my own will and mere motion, having ceded to my very dear and best beloved cousin, the King of Spain, and to his successors, in full property, purely and simply, and without any exceptions, the whole country known by the name of Louisiana, together with

New Orleans, and the island in which the said city is situated; and by another act, done at the Escurial, November 13, in the same year, his catholic majesty having accepted the cession of the said country of Louisiana, and the city and island of New Orleans, agreeable to the copies of the said acts, which you will find hereunto annexed; I write you this letter, to inform you that my intention is, that on receipt of these presents, whether they come to your hands by the officers of his catholic majesty, or directly by such French vessels as may be charged with the same, you are to deliver up to the governor, or officer appointed for that purpose by the King of Spain, the said country and colony of Louisiana, and the posts thereon depending, likewise the city and island of New Orleans, in such state and condition as they shall be found to be on the day of the said cession, willing that in all time to come they shall belong to his catholic majesty, to be governed and administered by his governors and officers, and as possessed by him in full property, without any exceptions.

At the same time, I hope, for the prosperity and peace of the inhabitants of the colony of Louisiana, and promise myself, from the friendship and affection of his catholic majesty, that he will be pleased to give orders to his governor, and all other officers employed in his service in the said colony, and in the city of New Orleans, that the ecclesiastics and religious houses which have the care of the parishes, and of the missions, may continue to exercise their functions, and enjoy the rights, privileges, and immunities, granted by their several charters of establishment; that the ordinary judges do continue, together with the superior council, to administer justice according to the laws, forms, and usages of the colonies; that the inhabitants be preserved and maintained in their possessions; that they may be confirmed in the possession of their estates, according to the grants which have been made by the governors and directors of the colony, and that all the grants be holden and taken as confirmed by his catholic majesty, even though not as yet confirmed by me.

Hoping, above all, that his catholic majesty will be pleased to bestow on his new colony of Louisiana, the same marks of protection and good will which they enjoyed while under my dominion, and of which the misfortunes of war alone have prevented their experiencing greater effects, I command you to cause my present letter to be recorded in the superior council of New Orleans, to the end that the several estates of the colony may be informed of its contents, and may have recourse thereto when necessary. And the present being for no other purposes, I pray God, Mons. l'Abbadie, to have you in his holy keeping.

LOUIS.

Given at Versailles, April 21, 1764.

Spain held under this treaty thirty-eight years. February 10, 1763, in a definitive treaty of peace at Paris, between the King of Great Britain, the King of Spain, and the King of France, the boundaries between their colonial and other possessions in America were fixed, a line down the middle of the Mississippi River and through the Iberville Lakes to the sea becoming the international boundary (to the west of the American colonies), and the line between the possessions of France and Great Britain; Mobile and all the French possessions east of the Mississippi River, except the town of New Orleans and the island on which it stands, were awarded to Great Britain. By this same treaty Spain ceded to England all her possessions east of the Mississippi River, and Great Britain proceeded at once to organize this acquisition. By the proclamation of George III., of October 7, 1763, the province of West Florida was constituted as extending from the Mississippi River on the west to the Appalachicola on the east. During the Revolutionary War, in 1778, the British troops in East Florida marched into Georgia capturing Savannah. The Spanish authorities of Louisiana, taking advantage of this disposition of the British forces, organized an expedition to Florida, and had so far succeeded in conquering both East and West Florida, that, upon the general pacification at the close of the Revolutionary War, both provinces were retroceded to Spain.

LOUISIANA TRANSFERRED BACK TO FRANCE BY SPAIN.

Spain by the treaty of San Ildefonso, October 1, 1800, transferred the province of Louisiana back to France. This was confirmed by the treaty of Madrid, March 21, 1801.

The territory of Louisiana west of the Mississippi River and the city of New Orleans and island thereof had been already ceded by the King of France to the King of Spain, as shown by the letter of delivery to Mons. l'Abbadie (at the time of the treaty at Paris between the three Powers of Great Britain, France, and Spain, February 10, 1763).

When the United States obtained title by purchase in 1803 from France, she insisted upon the ancient boundaries which France claimed for the province being maintained.

By treaty with Spain, October 27, 1795, the United States obtained acknowledgment of the southern boundary line of the nation at 31° north latitude from the Mississippi river going east, as defined by the British treaty of peace of 1783.

The fourth article of this treaty was:

It is likewise agreed that the western boundary of the United States, which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said States to the completion of the thirty-first degree of latitude north of the equator. And his catholic majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention.

Propositions had been made in and prior to the Congress of the Confederation looking toward a cession of the right of navigation of the Mississippi River to a foreign nation for a pecuniary consideration to aid the war of the Revolution. It was contemplated to offer it to Spain. The American minister at the court of Madrid suggested to the Congress the cession of the navigation of the Mississippi River to Spain with a view to procuring recognition from that country. A resolution was passed to that effect, and an act of Congress followed giving the minister full authority to treat for its cession upon the above conditions. This was bitterly opposed. Mr. Jay, Secretary of State, was called before the Congress and gave his views favoring a treaty of commerce with Spain according to her the right to the navigation of the Mississippi for twenty-five years.

The twenty-second article of this same Spanish treaty of October 27, 1795, was as follows:

ART. 22. The two high contracting parties, hopping that the good correspondence and friendship which happily reigns between them will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantage of both countries may require.

And in consequence of the stipulations contained in the IV article, his catholic majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandize and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and his majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them on another part of the banks of the Mississippi an equivalent establishment.

There was almost constant trouble between the United States and the Spanish authorities during the period from 1795 to 1800. Spain in 1800 was in possession, or claimed ownership, of all the territory south of the United States, now in Florida, Alabama, Mississippi, Louisiana, and the entire Louisiana purchase, also the territory embraced in the Texas annexation of 1845, and the Mexican cession by the treaty of Guadalupe Hidalgo.

Threats were made and fears incited of closing the Mississippi River and preventing the transportation of the produce of the United States to the sea.

October 1, 1800, after the alliance, Spain, by the secret treaty of San Ildefonso, ceded the province of Louisiana back to France with no restrictions as to limits, but with her ancient boundaries as they were when France in 1762 ceded the province to Spain. The consideration from France to Spain was the granting in succession to the Duke of Parma (a Spanish prince, son-in-law of the King) of the Grand Duchy of Tuscany. The clause of cession was as follows: "His catholic majesty promises and engages on his part to retrocede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein, relative to his royal highness the Duke of Parma, the colony or province of Louisiana, with the same extent it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaty subsequently entered into between Spain and other States."

This treaty was kept secret for a long time. President Jefferson at once, upon the treaty being known, began to consider the necessity of obtaining at least a free right of way and use of the Mississippi, or a purchase of a place of deposit in a portion of the province of Louisiana. At this date but little was known of the area, resources, physical character or condition of the territory west of the Mississippi, beyond a few miles outside and in the rear of the settlements, on the right bank of the river, the remainder being occupied by roving bands of savage Indians. This ignorance of the Great West was slightly broken by the explorations from Missouri and elsewhere in the Red River country, New Mexico, and along the Pacific Coast, where there were a few missions and some few straggling settlements and trading posts of Spanish, English, Russians, or Americans. The provincial authorities in Louisiana soon gave notice that, in consequence of the changed conditions of the relations of Spain with Great Britain, the privileges previously accorded to the United States had ceased, and that without a new order from the King of Spain the stipulations as to deposit and navigation no longer existed.

PRELIMINARY STEPS TOWARD THE ACQUIREMENT OF LOUISIANA BY THE UNITED STATES.

The acquisition of Louisiana by Napoleon Bonaparte was viewed with great alarm in the United States.

The proximity of a neighbor with such eminent desires for and novel methods of acquirement of territory was a serious question, in consideration of the fact that the United States was not on the best terms with France, and had not been for several years prior, beginning with the refusal of the French Directory, December 9, 1796, to receive Mr. Pinckney as United States minister, followed by the act to protect the commerce of the United States of date May 28, 1798, and the subsequent acts of like character of date July 9, 1798, February 9, 1799, and July 27, 1800, to suspend commercial intercourse with France.

France acquired Louisiana October 1, 1800. It was not delivered to France by the Spanish authorities until November 30, 1803.

The United States, by a convention with France, at Paris, September 30, 1800, between Oliver Ellsworth, W. R. Davie, and W. V. Murry, on behalf of the United States, and Joseph Bonaparte, Charles Pierre Claret Fleurieu, and Pierre Louis Roederer, on behalf of France, settled all differences between the two Republics, and the convention was to remain in force eight years.

The second and fifth articles of this convention were afterward the subject of much controversy, for they related to rights claimed by the United States in virtue of the treaty of Madrid with Spain (above cited) October 27, 1795.

Mr. Jefferson, soon after his inauguration, March 4, 1801, began diligently to ascertain the character of the country in the province of Louisiana. In a letter to Mr. Livingston, at Paris, April 18, 1802, Mr. Jefferson regretted the cession of Louisiana to France, and said: "There is on the globe one single spot the possessor of which is our natural and habitual enemy. It is New Orleans—through which the produce of three-eighths of our territory must pass to market; and from its fertility it will ere long yield more than half of our whole produce and contain more than half of our inhabitants." Railroads were not then contemplated. He deprecated the transfer to France, whom he considered a vastly more dangerous neighbor than Spain. He says: "The day that France takes possession of New Orleans fixes the sentence which is to retain her forever below low-water mark."

Robert Livingston, United States minister to France, and Thomas Pinckney, United States minister to Spain, were instructed by President Jefferson to inform the French and Spanish Governments of the claims of the United States against Spain for violation of the treaty of Madrid in 1795, in relation to the navigation of the Mississippi River.

January 10, 1803, James Monroe, of Virginia, was accredited to France as minister plenipotentiary and envoy extraordinary on behalf of the United States, and in con-

nection with gentlemen above-named was to negotiate a convention or treaty to secure the right of way to the Mississippi for the citizens of the United States. The nominations were confirmed by the Senate, and an appropriation of $2,000,000 was made for the purposes of the mission.

Mr. Jefferson in the entire correspondence relating to this purchase was impressed with the desirability of getting rid of all foreign neighbors of a warlike and territory-trading propensity. He considered that the future of the country rested upon the acquisition of a continental republic from ocean to ocean and from the Lakes to the Gulf. He objected to contiguous neighbors who would, with the signature of a sovereign, make French from Spanish citizens or *vice versa*, or perhaps begin a war with the United States, claim a nominal victory, cede "conquered" territory, and then join with the nation to whom the cession was made for a war to complete title.

His policy was to select our neighbors, and they to be of the best and most peaceful character. He did not wish to see Louisiana a Gallo-American province.

It was claimed for many years after the recognition of the United States by Great Britain in 1783, and up to 1800, that the Spanish authorities and English were conniving at and aiding to cause a separation of the West and South from the East. During 1796–'97, and the troubles with France, war was anxiously desired by the Spanish authorities in America. [See case of Blount, Senator from Tennessee, as to British interferences in 1797.]

THE ACQUIREMENT OF LOUISIANA BY THE UNITED STATES.

After the definitive treaty of peace with Great Britain, September 3, 1783, up to the year 1800, the question of the permanence of the United States and the retention of her vast area seemed to be of serious interest to Europe. She was menaced with war by France, harassed by Great Britain, and had navigation and boundary troubles with Spain. There were many reasons why the United States should acquire Louisiana, and the control of the Mississippi River thereby, and as many on the side of France that she should sell it. The ministers of the United States at Paris, Madrid, and London had been charged, after the alliance between France and Spain, to prevent, if possible, the cession to France by Spain of Louisiana and Florida. The cession of Louisiana was made, as above noted, October 1, 1800. France was urged after this treaty to consent to the sale of the city of New Orleans and the island of that name in the Province of Louisiana to the United States. Mr. Livingston, our minister to France, failed to convince Bonaparte, First Consul, of the necessity of his selling the province, and wrote to President Jefferson in November, 1802, that a special expedition was being fitted out to sail to and occupy the province.

October 16, 1802, Don Morales, Spanish intendant of Louisiana, issued a proclamation prohibiting the further use by the United States of the city of New Orleans as a place of deposit for merchandise, as guaranteed by the treaty of 1795, and failed to designate another point or place on the river for such purpose. Great excitement ensued throughout the United States. The legislature of Kentucky remonstrated, and public meetings were held for the same purpose. Congress also remonstrated, and the right was afterward restored.

President Jefferson, December 15, 1802, notified Congress of the cession of Louisiana to France, and of the action of the Spanish authorities at New Orleans. Excitement ensued in Congress, but finally President Jefferson obtained the consent of the Senate to the confirmation of Mr. Monroe (armed with an appropriation of $2,000,000) to proceed to France, and, in connection with Mr. Livingston, minister of the United States at Paris, to treat with France for the cession of New Orleans and the island of New Orleans, and Florida. Mr. Livingston held to the opinion at that time that the United States would never be able to acquire New Orleans by treaty or purchase, and that it ought to be taken, at once, by force.

Mr. Monroe, upon his arrival in France, found Bonaparte meditating on and in danger of a rupture with Great Britain. Just before his arrival, M. Talleyrand had

requested Mr. Livingston to make an offer on behalf of the United States for the province of Louisiana entire. This was an authority he did not possess. The intention of the United States, as he understood, was to purchase only New Orleans and island and the Floridas, or the western part of them. These negotiations were conducted under the personal supervision of the First Consul. He said he wanted money for war, that he would only cede the whole Province of Louisiana, and that he wanted 50,000,000 of francs for it. Secrecy was to be observed. Mr. Livingston refused to offer more than 30,000,000 francs, and asserted that he had no power to treat for the cession of the entire province.

It was supposed at the time that instructions were issued to our ministers that the treaty of cession by Spain to France included the entire Province of Louisiana and the Floridas, but it was found shortly afterward that it ceded Louisiana only. If France declined to sell, our ministers were to open negotiations with Great Britain, so as to prevent France taking possession of the province.

M. Barbé Marbois (Marquis of Barbé Marbois), who was then at the head of the treasury of France, had conducted the negotiations with Mr. Livingston. He had formerly been secretary of the French legation to the United States, and was personally known to Mr. Monroe.

Mr. Monroe arrived April 12, 1803. M. Marbois, the next day, asked immediate action. After consultation, the two ministers, on behalf of the United States, offered France 50,000,000 of francs, with an offset in the shape of such claims in favor of citizens of the United States against France as should be established, estimated at from 20,000,000 to 25,000,000 francs. This was declined.

The ministers of the United States were embarrassed by the fact that the tender of territory was beyond their instructions to buy or receive. Rumors of a large English fleet sailing for Louisiana for the purpose of capturing it were rife, and the English press were urgent in demanding such action.

Bonaparte had no doubt intended just before this period to send the French fleet, then at St. Domingo, to Louisiana, to receive and hold it. Bernadotte, afterward King of Sweden, was to be the governor. The negotiations were entirely secret. Spain had not yet transferred the province to the possession of France. In the treaty of San Ildefonso there was a provision for preference to Spain in future disposition.

M. Marbois insisted upon 80,000,000 francs, which was agreed to on condition that 20,000,000 francs of the sum should be assigned to the payment of claims due by France to citizens of the United States, if they should amount to so much.

It is said that when Bonaparte gave instructions to M. Marbois in regard to the cession, he stated that, from the nature of the new combination forming against him in Europe, he was forced to sell the entire province, or hold it at a great sacrifice of men and money, and, probably, be compelled to see it captured. He preferred to transfer it to the United States, adding that whatever nation held the valley of the Mississippi would eventually be the most powerful on earth, and that, consequently, he preferred a friendly nation should possess it rather than an enemy of France.

THE CESSION OF LOUISIANA TO THE UNITED STATES.

The cession was made in three separate treaties or conventions, of even date, April 30, 1803. First, a treaty of cession; next, a convention stipulating method, manner, and time of payment of the purchase money; and last, a convention providing that the claims of citizens of the United States against France were to be paid at the United States Treasury to the amount of $3,750,000, on orders from the minister of the United States to France, which were to be given on the joint judgment or conclusion of the French bureau to which these claims were referred, and a board of three commissioners on behalf of the United States to be appointed—final decision, on certificate of difference of opinion, to lie in the minister of finance of France.

Treaty of cession between the United States of America and the French Republic. Concluded April 30, 1803.

The President of the United States of America, and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding relative to objects of discussion mentioned in the second and fifth articles of the convention of the 8th Vendémiaire, an. 9 (30th September, 1800) relative to the rights claimed by the United States in virtue of the treaty concluded at Madrid, the 27th of October, 1795, between his catholic majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their plenipotentiaries, to wit: the President of the United States [of America], by and with the advice and consent of the Senate of the said States, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said States, near the government of the French Republic; and the First Consul, in the name of the French people, Citizen Francis Barbé Marbois, minister of the public treasury; who, after having respecttively exchanged their full powers, have agreed to the following articles:

ART. I. Whereas by the article the third of the treaty concluded at St. Ildefonso, the 9th Vendémiaire, an. 9 (1st October, 1800,) between the First Consul of the French Republic and his catholic majesty, it was agreed as follows: "His catholic majesty promises and engages on his part, to cede to the French Republic, six months after the full and entire execution of the conditions and stipulations herein relative to his royal highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States." And whereas, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory: The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above-mentioned treaty, concluded with his catholic majesty.

ART. II. In the cession made by the preceding article are included the adjacent islands belonging to Louisiana, all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private property. The archives, papers, and documents, relative to the domain and sovereignty of Louisiana and its dependences, will be left in the possession of the commissaries of the United States, and copies will be afterwards given in due form to the magistrates and municipal officers of such of the said papers and documents as may be necessary to them.

ART. III. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

ART. IV. There shall be sent by the government of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of his catholic majesty the said country and its dependences, in the name of the French Republic, if it has not been already done, as to transmit it in the name of the French Republic to the commissary or agent of the United States.

ART. V. Immediately after the ratification of the present treaty by the President of the United States, and in case that of the First Consul shall have been previously obtained, the commissary of the French Republic shall remit all military posts of New Orleans, and other parts of the ceded territory, to the commissary or commissaries named by the President to take possession; the troops, whether of France or Spain, who may be there, shall cease to occupy any military post from the time of taking possession, and shall be embarked as soon as possible, in the course of three months after the ratification of this treaty.

ART. VI. The United States promise to execute such treaties and articles as may have been agreed between Spain and the tribes and nations of Indians, until, by mutual consent of the United States and the said tribes or nations, other suitable articles shall have been agreed upon.

ART. VII. As it is reciprocally advantageous to the commerce of France and the United States to encourage the communication of both nations for a limited time in the country ceded by the present treaty, until general arrangements relative to the commerce of both nations may be agreed on; it has been agreed between the contracting parties, that the French ships coming directly from France or any of her colonies, loaded only with the produce and manufactures of France or her said colonies; and the ships of

Spain coming directly from Spain or any of her colonies, loaded only with the produce or manufactures of Spain or her colonies, shall be admitted during the space of twelve years in the port of New Orleans, and in all other legal ports of entry within the ceded territory, in the same manner as the ships of the United States coming directly from France or Spain, or any of their colonies, without being subject to any other or greater duty on merchandize, or other or greater tonnage than that paid by the citizens of the United States.

During the space of time above mentioned, no other nation shall have a right to the same privileges in the ports of the ceded territory; the twelve years shall commence three months after the exchange of ratifications, if it shall take place in France, or three months after it shall have been notified at Paris to the French Government, if it shall take place in the United States; it is, however, well understood that the object of the above article is to favor the manufactures, commerce, freight and navigation of France and of Spain, so far as relates to the importations that the French and Spanish shall make into the said ports of the United States, without in any sort affecting the regulations that the United States may make concerning the exportation of the produce and merchandize of the United States, or any right they may have to make such regulations.

ART. VIII. In future and forever after the expiration of the twelve years, the ships of France shall be treated upon the footing of the most favoured nations in the ports above mentioned.

ART. IX. The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French Republic prior to the 30th September, 1800 (8th Vendémiaire, an. 9), is approved, and to have its execution in the same manner as if it had been inserted in this present treaty; and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

Another particular convention signed at the same date as the present treaty relative to a definitive rule between the contracting parties is in the like manner approved, and will be ratified in the same form, and in the same time, and jointly.

ART. X. The present treaty shall be ratified in good and due form, and the ratifications shall be exchanged in the space of six months after the date of the signature by the ministers plenipotentiary, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed these articles in the French and English languages; declaring nevertheless that the present treaty was originally agreed to in the French language; and have thereunto affixed their seals.

Done at Paris the tenth day of Floréal, in the eleventh year of the French Republic, and the 30th of April, 1803.

ROBT. R. LIVINGSTON. [L. S.]
JAS. MONROE. [L. S.]
F. BARBÉ MARBOIS. [L. S.]

Convention between the United States of America and the French Republic. Concluded April 30, 1803.

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, in consequence of the treaty of cession of Louisiana, which has been signed this day, wishing to regulate definitively everything which has relation to the said cession, have authorized to this effect the plenipotentiaries, that is to say: the President of the United States has, by and with the advice and consent of the Senate of the said States, nominated for their plenipotentiaries, Robert R. Livingston, minister plenipotentiary of the United States, and James Monroe, minister plenipotentiary and envoy extraordinary of the said United States, near the Government of the French Republic; and the First Consul of the French Republic, in the name of the French people, has named as plenipotentiary of the said Republic, the citizen Francis Barbé Marbois; who, in virtue of their full powers, which have been exchanged this day, have agreed to the following articles:

ARTICLE I. The Government of the United States engages to pay to the French Government, in the manner specified in the following article, the sum of sixty millions of francs, independent of the sum which shall be fixed by another convention for the payment of the debts due by France to citizens of the United States.

ART. II. For the payment of the sum of sixty millions of francs, mentioned in the preceding article, the United States shall create a stock of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per cent. per annum, payable half-yearly in London, Amsterdam, or Paris, amounting by the half-year to three hundred and thirty-seven thousand five hundred dollars, according to the proportions which shall be determined by the French Government to be paid at either place; the principal of the said stock to be reimbursed at the Treasury of the United States, in annual payments of not less than three millions of dollars each, of which the first payment shall commence fifteen years after the date of the exchange of ratifications: this stock shall

be transferred to the Government of France, or to such person or persons as shall be authorized to receive it, in three months at most after the exchange of the ratifications of this treaty, and after Louisiana shall be taken possession of in the name of the Government of the United States.

It is further agreed, that if the French Government should be desirous of disposing of the said stock to receive the capital in Europe, at shorter terms, that its measures for that purpose shall be taken so as to favor, in the greatest degree possible, the credit of the United States, and to raise to the highest price the said stock.

ART. III. It is agreed that the dollar of the United States, specified in the present convention, shall be fixed at five francs $\frac{3333}{10000}$ or five livres eight sous tournois.

The present convention shall be ratified in good and due form, and the ratification shall be exchanged in the space of six months to date from this day, or sooner if possible.

In faith of which, the respective plenipotentiaries have signed the above articles, both in the French and English languages, declaring, nevertheless, that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris the tenth of Floréal, eleventh year of the French Republic (30th April, 1803).

ROBT. R. LIVINGSTON. [L. S.]
JAS. MONROE. [L. S.]
BARBÉ MARBOIS. [L. S.]

The second convention was as follows:

Convention between the United States of America and the French Republic.

The President of the United States of America and the First Consul of the French Republic, in the name of the French people, having by a treaty of this date terminated all difficulties relative to Louisiana, and established on a solid foundation the friendship which unites the two nations, and being desirous, in compliance with the second and fifth articles of the convention of the 8th Vendemiaire, ninth year of the French Republic (30th September, 1800), to secure the payment of the sum due by France to the citizens of the United States, have respectively nominated as plenipotentiaries, that is to say: the President of the United States of America, by and with the advice and consent of their Senate, Robert R. Livingston, minister plenipotentiary, and James Monroe, minister plenipotentiary and envoy extraordinary of the said States, near the government of the French Republic; and the First Consul, in the name of the French people, the French citizen Barbé Marbois, minister of the public treasury; who, after having exchanged their full powers, have agreed to the following articles:

ARTICLE I. The debts due by France to citizens of the United States, contracted before the 8th of Vendemiaire, ninth year of the French Republic (30th September, 1800), shall be paid according to the following regulations, with interest at six per cent. to commence from the periods when the accounts and vouchers were presented to the French Government.

ART. II. The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, cannot exceed the sum of twenty millions of francs. The claims comprised in the said note which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

ART. III. The principal and interest of the said debts shall be discharged by the United States, by orders drawn by their minister plenipotentiary on their Treasury; these orders shall be payable sixty days after the exchange of ratifications of the treaty and the conventions signed this day, and after possession shall be given of Louisiana by the commissioners of France to those of the United States.

ART. IV. It is expressly agreed, that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been and are yet creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention of the 8th Vendemiaire, ninth year, (30th September, 1800).

ART. V. The preceding articles shall apply only, 1st, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the Government of the French Republic, and only in case of the insufficiency of the captors; 2d, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendemiaire, an. 9, (30th September, 1800), the payment of which has been heretofore claimed of the actual government of France, and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed: it is the express intention of the contracting parties not to extend the benefit of the present convention

to reclamations of American citizens, who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who by that reason and the nature of their commerce ought to be regarded as domiciliated in the places where such houses exist. All agreements and bargains concerning merchandise, which shall not be the property of American citizens, are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made.

ART. VI. And that the different questions which may arise under the preceding article may be fairly investigated, the ministers plenipotentiary of the United States shall name three persons, who shall act from the present and provisionally, and who shall have full power to examine, without removing the documents, all the accounts of the different claims already liquidated by the bureau established for this purpose by the French Republic, and to ascertain whether they belong to the classes designated by the present convention and the principles established in it; or if they are not in one of its exceptions, and on their certificate, declaring that the debt is due to an American citizen or his representative, and that it existed before the 8th Vendemiaire, 9th year, (30th September, 1800), the creditor shall be entitled to an order on the Treasury of the United States, in the manner prescribed by the third article.

ART. VII. The same agents shall likewise have power, without removing the documents, to examine the claims which are prepared for verification, and to certify those which ought to be admitted by uniting the necessary qualifications, and not being comprised in the exceptions contained in the present convention.

ART. VIII. The same agents shall likewise examine the claims which are not prepared for liquidation, and certify in writing those which in their judgments ought to be admitted to liquidation.

ART. IX. In proportion as the debts mentioned in these articles shall be admitted, they shall be discharged, with interest at six per cent. by the Treasury of the United States.

ART. X. And that no debt which shall not have the qualifications above mentioned, and that no unjust or exorbitant demand may be admitted, the commercial agent of the United States at Paris, or such other agent as the minister plenipotentiary of the United States shall think proper to nominate, shall assist at the operations of the bureau and co-operate in the examination of the claims; and if this agent shall be of opinion that any debt is not completely proved, or if he shall judge that it is not comprised in the principles of the fifth article above mentioned; and if, notwithstanding his opinion, the bureau established by the French Government should think that it ought to be liquidated, he shall transmit his observations to the board established by the United States, who, without removing documents, shall make a complete examination of the debt and vouchers which support it, and report the result to the minister of the United States. The minister of the United States shall transmit his observations in all such cases to the minister of the treasury of the French Republic, on whose report the French Government shall decide definitively in every case.

The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide definitively on such claim so far as it concerns itself.

ART. XI. Every necessary decision shall be made in the course of a year, to commence from the exchange of ratifications, and no reclamation shall be admitted afterward.

ART. XII. In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendemiaire, ninth year, (30th September, 1800), not being comprised in this convention, may be pursued, and the payment demanded in the same manner as if it had not been made.

ART. XIII. The present convention shall be ratified in good and due form, and the ratifications shall be exchanged in six months from the date of the signature of the ministers plenipotentiary, or sooner if possible.

In faith of which, the respective ministers plenipotentiary have signed the above articles, both in the French and English languages, declaring nevertheless that the present treaty has been originally agreed on and written in the French language; to which they have hereunto affixed their seals.

Done at Paris, the tenth day of Floréal, eleventh year of the French Republic, 30th April, 1803.

ROBERT R. LIVINGSTON. [L. S.]
JAMES MONROE. [L. S.]
BARBÉ MARBOIS. [L. S.]

Mr. Monroe transmitted the treaty and conventions to President Jefferson, and then proceeded to London as minister of the United States.

POLITICAL ACTION UPON THE TREATY.

President Jefferson had always been a strict constructionist of the Constitution. The reception of this treaty, which acquired an immense province, embarrassed him, as he knew of no warrant in the Constitution for such a purchase, and had only authorized the purchase of a place of deposit and dock-yard. He had always denied to the National Government any powers not specifically conferred upon it by the Constitution. He could not find a clause in the Constitution which gave Congress any express power to appropriate money to purchase additional territory.

In his private correspondence he stated this difficulty, suggesting an amendment to the Constitution. The treaty required mutual exchange of ratifications within six months. He proposed calling Congress, have the money appropriated, and cure the act by a subsequent amendment to the Constitution. The power of acquisition of territory could be alone charged to the general power of Congress to make and collect taxes and revenues with which to pay the expenses and debts of the nation, and to provide for the common defense and general welfare of the United States. President Jefferson, by proclamation, called an extra session of Congress, to meet October 17, 1803, to consider this subject. In his message of that date he called full attention to this treaty, and special attention to the provisional appropriation of $2,000,000 made January 10, 1803, intended as a part of the price, and stated that this was considered as conveying the sanction of Congress to the acquisition proposed. This message made no mention of the claim of there being no warrant in the Constitution to purchase.

The Senate, October 19, 1803, ratified the treaty. Bonaparte's ratification was in Washington, in the hands of M. Pinchon, the French *chargé de affaires*, and on the 21st the ratifications were exchanged and the treaty was closed.

October 21, 1803, the President sent a special message to Congress, calling attention to the completion of the ratification, and also suggesting the necessity of an appropriation and laws for the occupation and government of the acquired territory.

A lengthy political debate ensued in the House. The necessity for the consent of Spain to the acquisition of the province was urged, and a motion calling on the President for a copy of the treaty between France and Spain (the treaty of Ildefonso) and for evidence that Spain, in whose hands the province still remained, was ready to make delivery of the same. This motion was defeated by a majority of two votes. John Randolph, of Roanoke, Va., moved that provision should be made for carrying the treaty and the conventions into operation. This, after earnest debate, was adopted October 25th by 90 ayes to 25 nays.

The King of Spain's minister represented to the United States that France had made an alienation in this cession which she had promised never to make without first consulting Spain.

THE UNITED STATES TAKES POSSESSION OF LOUISIANA.

October 23, 1803, the following act was approved:

AN ACT to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris on the thirtieth of April last; and for the temporary government thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to take possession of, and occupy, the territory ceded by France to the United States, by the treaty concluded at Paris on the thirtieth day of April last, between the two nations; and that he may, for that purpose, and in order to maintain in the said territories the authority of the United States, employ any part of the army and navy of the United States, and of the force authorized by an act passed the third day of March last, entitled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," which he may deem necessary; and so much of the sum appropriated by the said act as may be necessary, is hereby appropriated for the purpose of carrying this act into effect; to be applied under the direction of the President of the United States.

SEC. 2. *And be it further enacted*, That, until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers, exercised by the

officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

November 10, 1803, an act was approved creating a stock (bonds) to the amount of $11,250,000 for the purpose of carrying into effect the first convention under the above treaty, and making provision for paying the same. This was carried into effect, the stock issued, delivered to the agent of France, and duly acknowledged. The financial agents were Messrs. Hope and Labouchére, of Amsterdam, and the Barings, of London.

November 10, 1803, an act was approved making provision for payment of claims of citizens of the United States on the government of France, the payment of which had been assumed by the United States by virtue of the convention (2) of the 30th of April under the treaty.

President Jefferson at once proceeded to occupy and get actual possession of the province, which had been ordered to be delivered to France by writ of the King of Spain, dated Barcelona, October 15, 1802, General Victor to receive it on the part of France, or any other officer duly authorized by the Republic of France.

November 30, 1803, at New Orleans, Pierre Clement Laussat, colonial prefect, commissioner on the part of France, received the colony and province of Louisiana from El Marquez de Casa Salcedo, commissioner on the part of Spain, under the order of February 18, 1803 This was only twenty days prior to its transfer by France to the commissioners on the part of the United States. The manner of taking and receiving possession by the United States was as detailed in the following official paper:

Message from the President of the United States to Congress, January 16, 1804.

In execution of the act of the present session of Congress for taking possession of Louisiana, as ceded to us by France, and for the temporary government thereof, Governor Claibourne, of the Mississippi Territory, and General Wilkinson were appointed commissioners to receive possession. They proceeded, with such regular troops as had been assembled at Fort Adams from the nearest posts, and with some militia of the Mississippi Territory, to New Orleans. To be prepared for anything unexpected which might arise out of the transaction, a respectable body of militia was ordered to be in readiness in the States of Ohio, Kentucky, and Tennessee, and a part of those of Tennessee was moved on to the Natchez. No occasion, however, arose for their services. Our commissioners, on their arrival at New Orleans, found the province already delivered by the commissaries of Spain to that of France, who delivered it over to them on the 20th day of December, as appears by their declaratory act accompanying this. Governour Claiborne, being duly invested with the powers heretofore exercised by the governour and intendant of Louisiana, assumed the government on the same day, and, for the maintenance of law and order, immediately issued the proclamation and address now communicated.

On this important acquisition, so favorable to the immediate interests of our western citizens, so auspicious to the peace and security of the Nation in general, which adds to our country territories so extensive and fertile, and to our citizens new brethren to partake of the blessings of freedom and self-government, I offer to Congress and our country my sincere congratulations.

TH: JEFFERSON.

Report of Commissioners.

CITY OF NEW ORLEANS,
December 20, 1803.

SIR: We have the satisfaction to announce to you that the province of Louisiana was this day surrendered to the United States by the commissioner of France; and to add, that the flag of our country was raised in this city amidst the acclamations of the inhabitants.

The enclosed is a copy of an instrument in writing, which was signed and exchanged by the commissioners of the two governments, and is designed as a record of this interesting transaction.

Accept assurances of our respectful consideration.

WILLIAM C. C. CLAIBORNE.
JA: WILKINSON.

The Hon. JAMES MADISON,
Secretary of State, City of Washington.

The undersigned William C. C. Claiborne and James Wilkinson, commissioners or agents of the United States, agreeable to the full powers they have received from Thomas Jefferson, President of the United States, under date of the 31st October, 1803, and twenty-eighth year of the Independence of the United States of America, (8 Brumaire, 12 year of the French Republick) countersigned by the Secretary of State, James Madison, and citizen Peter Clement Laussat, colonial prefect, and commissioner of the French Government for the delivery in the name of the French Republick of the country, territories and dependencies of Louisiana, to the commissioners or agents of the United States, conformably to the powers, commission, and special mandate which he has received in the name of the French people from citizen Buonaparte, First Consul, under date of the 9th June, 1803, (17 Prairial, 11 year of the French Republick) countersigned by the secretary of state, Hugues Maret, and by his excellency the minister of marine and colonies, Decres, do certify by these presents, that on this day, Tuesday the 20th December, 1803 of the Christian era, (28th Frimaire, 12 year of the French Republick) being convened in the hall of the Hotel de Ville of New Orleans, accompanied on both sides by the chiefs and officers of the army and navy, by the municipality and divers respectable citizens of their respective republicks, the said William C. C. Claiborne and James Wilkinson delivered to the said citizen Laussat their aforesaid full powers, by which it evidently appears that full power and authority has been given them jointly and severally to take possession of and to occupy the territories ceded by France to the United States by the treaty concluded at Paris on the 30th day of April last past, (10th Floreal) and for that purpose to repair to the said territory and there to execute and perform all such acts and things, touching the premises, as may be necessary for fulfilling their appointment conformable to the said treaty and laws of the United States; and thereupon the said citizen Laussat declared that in virtue of and in the terms of the powers, commission and special mandate dated at St. Cloud, 6th June 1803 of the Christian era (17th Prairial 11 year of the French Republick) he put from that moment the said commissioners of the United States in possession of the country, territories and dependencies of Louisiana, conformably to the 1. 2. 4. and 5th articles of the treaty and the two conventions, concluded and signed the 30 April 1803, (10 Floreal 11th year of the French Republick) between the French Republick and the United States of America by citizen Francis Barbe Marbois, minister of the publick treasury, and Messieurs Robert R. Livingston and James Monroe, ministers plenipotentiary of the United States, all three furnished with full powers, of which treaty and two conventions the ratifications, made by the First Consul of the French Republick, on the one part, and by the President of the United States, by and with the advice and consent of the Senate, on the other part, have been exchanged and mutually received at the city of Washington, the 21 October 1803, 28 Vindemaire 12 year of the French Republick, by citizen Louis Andre Pichon, *charge des affaires* of the French Republick, near the United States, on the part of France, and by James Madison, Secretary of State of the United States, on the part of the United States, according to the *process verbal* drawn up on the same day; and the present delivery of the country is made to them, to the end that, in conformity with the object of the said treaty, the sovereignty and property of the colony or province of Louisiana may pass to the said United States, under the same clauses and conditions as it had been ceded by Spain to France, in virtue of the treaty concluded at St. Ildefonso, on the 1 October, 1800 (9th Vindemiaire, 9 year) between these two last powers, which has since received its execution by the actual re-entrance of the French Republick into possession of the said colony or province.

And the said citizen Laussat in consequence, at this present time, delivered to the said commissioners of the United States, in this publick sitting, the keys of the city of New Orleans, declaring that he discharges from their oaths of fidelity towards the French Republick, the citizens and inhabitants of Louisiana, who shall choose to remain under the dominion of the United States.

And that it may for ever appear, the undersigned have signed the *process verbal* of this important and solemn act, in the French and English languages, and have sealed it with their seals, and have caused it to be countersigned by their secretaries of commission, the day, month and year above written.

WM. C. C. CLAIBORNE. [L. S.]
JAMES WILKINSON. [L. S.]
LAUSSAT. [L. S.]

Proclamation

By his excellency William C. C. Claiborne, Governour of the Mississippi Territory, exercising the powers of governour-general and intendant of the province of Louisiana.

Whereas, by stipulations between the governments of France and Spain, the latter ceded to the former the colony and province of Louisiana, with the same extent which it had at the date of the above-mentioned treaty in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently

entered into between Spain and other states; and whereas the government of France has ceded the same to the United States by a treaty duly ratified, and bearing date the 30th of April, in the present year, and the possession of said colony and province is now in the United States, according to the tenour of the last-mentioned treaty; and whereas the Congress of the United States, on the 31st day of October, in the present year, did enact that until the expiration of the session of Congress then sitting, (unless provisions for the temporary government of the said territories be sooner made by Congress,) all the military, civil and judicial powers, exercised by the then existing government of the same, shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct, for the maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property and religion; and the President of the United States has by his commission, bearing date the same 31st day of October, invested me with all the powers, and charged me with the several duties heretofore held and exercised by the governour-general and intendant of the province:

I have, therefore, thought fit to issue this my proclamation, making known the premises, and to declare, that the government heretofore exercised over the said province of Louisiana, as well under the authority of Spain as of the French Republick, has ceased, and that of the United States of America is established over the same; that the inhabitants thereof will be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; that in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess; that all laws and municipal regulations, which were in existence at the cessation of the late government, remain in full force; and all civil officers charged with their execution, except those whose powers have been specially vested in me, and except also such officers as have been entrusted with the collection of the revenue, are continued in their functions, during the pleasure of the governour for the time being, or until provision shall otherwise be made.

And I do hereby exhort and enjoin all the inhabitants, and other persons within the said province, to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the guardianship of the United States, and will be maintained from all force or violence from without or within.

In testimony whereof I have hereunto set my hand.

Given at the city of New Orleans, the 20th day of December, 1803, and of the Independence of the United States of America the 28th.

WM. C. C. CLAIBORNE.

The governor's address to the citizens of Louisiana.

FELLOW CITIZENS OF LOUISIANA:

On the great and interesting event now finally consummated—an event so advantageous to yourselves, and so glorious to united America, I cannot forbear offering you my warmest congratulations. The wise policy of the Consul of France has, by the cession of Louisiana to the United States, secured to *you* a connection beyond the reach of change, and to your posterity the sure inheritance of freedom. The American people receive you as brothers; and will hasten to extend to you a participation in those inestimable rights, which have formed the basis of their own unexampled prosperity. Under the auspices of the American Government, you may confidently rely upon the security of your liberty, your property, and the religion of your choice. You may with equal certainty rest assured, that your commerce will be promoted and your agriculture cherished; in a word, that your true interests will be among the primary objects of our National Legislature. In return for these benefits, the United States will be amply remunerated, if your growing attachment to the Constitution of our country, and your veneration for the principles on which it is founded, be duly proportioned to the blessings which they will confer. Among your first duties, therefore, you should cultivate with assiduity among yourselves the advancement of political information; you should guide the rising generation in the paths of republican economy and virtue; you should encourage literature, for without the advantages of education your descendants will be unable to appreciate the intrinsick worth of the Government transmitted to them.

As for myself, fellow citizens, accept a sincere assurance, that, during my continuance in the situation in which the President of the United States has been pleased to place me, every exertion will be made on my part to foster your internal happiness, and forward your general welfare, for it is only by such means that I can secure to myself the approbation of those great and just men who preside in the councils of the Nation.

WILLIAM C. C. CLAIBORNE.

NEW ORLEANS, *December* 20, 1803.

President Jefferson was particularly desirous of having James Monroe, of Virginia, as his correspondence shows, for governor of Louisiana, but Mr. Monroe preferred to remain as minister in London.

General James Wilkinson, in command of the United States troops in Louisiana, January 16, 1804, notified the War Department that he did not "until this day" receive the orders of the French and Spanish commissioners for the delivery of the posts in Upper Louisiana. He also became uneasy at the delay of the French and Spanish troops in evacuating New Orleans and the province. In March and April, 1804, he complained to the War Department of this. On the 25th of April, 1804, he notified the War Department that the prefect of the French embarked on the 21st instant, and that the commissioners of the United States on the 24th took leave of the commissioner of Spain.

RUMORED OPPOSITION OF SPAIN TO THE CESSION AND DELIVERY.

Rumors were rife that Spain did not intend to make complete delivery of the province to France. Mr. Pinckney, minister of the United States at Madrid, made inquiry of the Spanish secretary of state, Mr. Cevallos, and received the following reply:

SIR: Having taken information upon what you were pleased to say to me in your note of the 10th ultimo, I have to offer to your notice that the King's minister in the United States has been informed that his majesty has given no order whatever for opposing the delivery of Louisiana to the French; and that the report current in the United States or elsewhere of the existence of such an order is wholly without foundation; since there is no connection whatever between the pretended opposition, and that representation made by his majesty's minister to the Government of the United States, on the defect which impaired the sale of Louisiana made by France, in which he manifested the just motives of the Spanish Government for protesting against an alienation which France had promised never to make.

At the same time that his majesty's minister in the United States is charged to inform the American Government of the falsity of the above rumor, he is ordered to make known to it, that his majesty has thought proper to renounce his protest against the alienation of Louisiana by France, notwithstanding the solid motives on which that protest was founded; affording, in this way, a new proof of his benevolence and friendship for the United States.

PEDRO CEVALLOS.

EL PARDO, *10th February*, 1804.

Thus Spain's claim to the province of Louisiana was in fact abandoned, and the United States succeeded to the title of Spain from De Soto, in 1541, and the subsequent transferred title of France from La Salle, in 1682.

BOUNDARIES OF THE PROVINCE OF LOUISIANA.

The boundaries of Louisiana, as ceded by Napoleon to the United States, were indefinite, the treaty itself, according to Chief Justice Marshall, having been couched in terms of "studied ambiguity." Questions of boundary between Louisiana and Florida were involved which require some explanation. Louisiana was transferred to us with the same limits as when France formerly possessed it, and as Spain possessed it at the time of the treaty of San Ildefonso. Spanish diplomacy, however, found it convenient to consider British occupancy as permanently dissevering West Florida from Louisiana, which it claimed as a new conquest from Great Britain; but the United States, in 1811, took military possession of the country west of Perdido River, thus insisting upon the original limits of Louisiana as claimed by France.

This imbroglio was still further complicated by events on the Florida border during our last war with England, and the reprisals made by General Jackson for the repeated infractions of neutrality by the Spanish authorities.

The boundaries of Louisiana were settled by the treaty with Spain in 1819, and the northern and northwestern boundaries by a series of treaties with Great Britain, concluding in 1870.

It was claimed that Spain made grants of land in that portion of Louisiana running to the Perdido River after the treaty of San Ildefonso, her cession of Louisiana to France. The United States disregarded all this, and April 14, 1812, all that portion west of Pearl River was annexed to Louisiana, and the remaining portion as far as the Perdido was incorporated, May 14, 1812, with the Mississippi Territory, although Spain held Mobile. The eastern portion of this is now in Alabama.

Louisiana was erected into two Territories by act of Congress March 26, 1804, one called the Territory of Orleans and the other the District of Louisiana. The Territory of Orleans became the State of Louisiana April 8, 1812.

THE COST AND AREA OF THE LOUISIANA PURCHASE.

Cost.

The United States paid for this cession—

Principal sum	$15,000,000 00
Interest to redemption	8,529,353 00
	23,529,353 00
Claims of citizens of the United States due from France under this treaty assumed by the United States in part payment for the territory and paid to June 30, 1880	3,738,268 98
	27,267,621 98

Area.

	Square miles.
The area acquired lies in the State of Alabama, west of the Perdido and on the Gulf, below latitude 31° north, estimated to contain	2,300
State of Mississippi, west of Alabama, adjoining Louisiana, on the Gulf, and south of 31° north latitude, estimated at	3,600
State of Louisiana	41,346
State of Arkansas	52,202
State of Missouri	65,370
State of Kansas, all but southwest corner (estimated)	73,542
State of Iowa	55,045
State of Minnesota, west of the Mississippi River	57,531
State of Nebraska	75,995
State of Colorado, east of the Rocky Mountains and north of Arkansas River	57,000
State of Oregon	95,274
In the Territories the estimated areas are—	
Territory of Dakota	150,932
Territory of Montana	143,776
Territory of Idaho	86,294
Territory of Washington	69,994
Territory of Wyoming, all but the zone in the middle, south, and southwest part	83,563
Indian Territory	68,991
Lying in eleven States and six Territories, a total area of, and all becoming public domain	1,182,752

The areas above for the divisions entire are taken from the United States Land Office Report for 1880, and the areas for fractional divisions are taken from the map accompanying the United States Census Report of 1870, prepared by S. W. Stocking, Esq.

The entire Louisiana purchase, being five times greater than the area of France, viz, 201,900 square miles, excepting certain grants made by French and Spanish authorities, and other legal exceptions, became public domain, subject to the survey, settlement, and disposition laws of the United States when the same were extended over the several political divisions from time to time by separate acts of Congress.

THE EXPLORATIONS OF THE LOUISIANA PURCHASE.

LEWIS AND CLARKE'S EXPEDITION.

Mr. Jefferson, while at Paris as American minister in 1787, met John Ledyard, who came to France to attempt a business arrangement in the fur trade on the northwest coast of America. Failing in this, Mr. Jefferson proposed to him a land expedition through North Europe to Kamtschatka and to the Pacific. Russia gave consent, and Ledyard at once set out and went into winter quarters 200 miles from Kamtschatka. Here he was stopped by the Russians and compelled, under arrest, to return. In 1792 Mr. Jefferson proposed a subscription by the American Philosophical Society to engage a person to go to the northwest coast by land. Capt. Meriwether Lewis, then stationed at Charlottesville, Va., was engaged for this purpose. M. Michaux, a French botanist, was to be his fellow explorer. They proceeded as far as Kentucky, when a message from the French minister at Washington recalled M. Michaux, and the journey here terminated. On the 18th of January, 1803, prior to the Louisiana purchase, President Jefferson, in a confidential message to Congress (the act for establishing trading houses among the Indians being about to expire by limitation), recommended that the act be continued and extended to posts among the Indians on the Mississippi River, and that a party of explorers be sent up the Missouri River to its source, then to cross the Rocky Mountains to the Pacific Ocean. This was approved, an appropriation made, and Captain Lewis, at his own request, was detailed to command the expedition. First Lieut. (Capt.) William Clarke, brother of General George Rogers Clarke, was afterward detailed with him. It was an expedition of discovery and inquiry. Its instructions were to notice and detail the geography and character of the country, to enter into negotiations with the Indians for commerce, and to describe their habits, characteristics, and history.

The party consisted of Meriwether Lewis, captain, U. S. A., First Regiment Infantry (formerly Mr. Jefferson's secretary); William Clarke, first lieutenant, U. S. A.; John Ordway, Nathaniel Prior, and Patrick Gass, sergeants, U. S. A.; Charles Floyd, William Bratton, John Colter, John Collins, Pier Cruzatte, Robert Frazier, Joseph Fields, George Gibson, Silas Goodrich, Hugh Hall, Richard Worfington, Thomas P. Howard, Peter Wiser, John Baptiste Le Page, Francis Labuiche, Hugh M'Neal, John Potts, John Shields, George Shannon, John B. Thompson, William Werner, Alexander Willard, Richard Windsor, Joseph Whitehouse, John Newman, George Drewyer or George Drulyard, and Tousaint Chabono (the last two interpreters,) the wife of the interpreter Chabono, a Snake squaw and her child, and "York," a colored servant to Captain Clarke, who died at Richmond, Va., in the fall of 1879.

President Jefferson himself prepared the written instructions for Captain Lewis. The party in boats entered the Missouri River May 4, 1804. In 1805, in the summer, they crossed the Rocky Mountains. November 15, 1805, they landed at Cape Disappointment. They had passed down Lewis River (now known as Snake River) to its junction with the Columbia and thence to the Pacific Ocean. They spent the winter of 1805-'06 at Fort Clatsop, on the south side of the Columbia.

The expedition returned to Saint Louis September 23, 1806, after an absence of two years and three months, and it furnished the first particular and reliable information of the region between the Mississippi River and the Pacific Ocean. Many editions of their report of the expedition were published, and also the diary or journal of Sergeant Patrick Gass. By act of March 3, 1807, Congress ordered warrants for 1,600 acres of land to Lewis and Clarke, respectively, and warrants for 320 acres each to the names given above as composing the expedition, except the colored man "York," who received no warrant. These warrants were located on the west side of the Mississippi River, or were to be received at $2 per acre for any such lands. Double pay for time while employed in the expedition to the Pacific was voted all parties. Lewis was afterwards, in 1807, made governor of Louisiana Territory, and died October 11, 1809, near Nashville, Tenn. Clarke became a brigadier-general, and was made governor of Missouri Territory from

1813 to 1820, and died September 1, 1838. Lewis' Fork of Columbia, or the south branch of the Columbia, rising in Wyoming and running through Idaho, known as Snake or Shoshone River, is named after Captain Lewis. The north fork of the Columbia is called Clarke's Fork. It rises in Montana, flows west to the junction with the Snake near Wallula, and forms the Columbia. It was named after Captain Clarke. A county in Montana also commemorates their names, being called Lewis and Clarke County.

VARIOUS MILITARY AND CIVIL EXPLORING AND SURVEYING PARTIES—1808 TO 1880.

The region west of the Mississippi to the Pacific and north to the line of the British Possessions embraced in the Louisiana purchase, has been a fruitful field for explorers. The Hudson Bay Company occupied most of the region west of the Rocky Mountains and north of California and Utah for a long period; their last post on American soil, Fort Hall, Idaho, being withdrawn in 1854. Fort Hall had been erected by Nathaniel Wythe, a Massachusetts man, in 1836 or 1838, in opposition to the American Fur Company, and sold to the Hudson Bay Company. This region was the home of the hunter and trapper. In 1808 the Missouri Fur Company, of Saint Louis, built a trading-post on Lewis or Snake River, in the southeastern portion of the now Territory of Idaho, then Oregon. In 1810 the Pacific Fur Company—Mr. John Jacob Astor—resolved to make settlement on the Oregon coast. March 23, 1811, their ship "Tonquin" arrived at the mouth of Columbia River, and Astoria was founded. In the war of 1812 between the United States and Great Britain, this post was seized by the British man-of-war "Raccoon," and the name of Astoria was changed to Fort George. By the first article of the treaty of Ghent, October 6, 1818, Fort George was surrendered to J. B. Provost on behalf of the United States by Captain Hickey, of the British man-of-war "Blossom," and J. Keith, agent of the Northwest Trading Company (which had been in possession of it), and the name Astoria was at once restored to it.

The Great West, west of the Mississippi and north of the Arkansas River, was in the Louisiana purchase. Christopher Carson, Sublette and Smith, James Bridger, Nathaniel Wythe, and roving trappers and hunters thereafter made this then unexplored region their home. It was the source from which came the supplies of buffalo and other skins. In the period from 1803 to 1870 this region was explored by a series of expeditions under the auspices of the United States Army and Navy Departments, including Lewis and Clarke's, Bonniville, Admiral John Wilkes, Capt. John C. Fremont, &c., a full list of the expeditions being given in Lieut. George M. Wheeler's Report of Military Surveys under the War Department, 1871 to 1879. Dr. John Evans's (elsewhere noted) Survey of Oregon and Washington Territories, and Dr. F. V. Hayden's Geological Work in Nebraska, and Dr. Robert Dale Owen's in Iowa and Wisconsin, under the auspices of the General Land Office, in the territory of the Louisiana pur. chase, added much to the world's knowledge of this vast and productive country. The rich mines of Montana, Idaho, Colorado, and Oregon lie within it, together with millions of acres of undeveloped mining lands.

The expedition of Maj. John W. Powell, in 1867, and the subsequent geological survey made under his charge in the Rocky Mountain region in 1874 and to 1879, were partially within it, as was much of the survey of the fortieth parallel under direction of Clarence King, geologist. The geological survey of the Territories under Prof. F. V. Hayden, from 1870 to 1879, was executed mostly within this purchase.

The publications of the several expeditions and surveys under the auspices above set out under laws of the United States, published by the United States Government, contain a mass of valuable and reliable information as to the resources and inhabitants of that vast and in some parts still unexplored region.

A great number of private expeditions under the auspices of colleges, societies, and individuals, such as the researches of Prof. J. B. Marsh, of Yale College, and the hunting expedition of Sir George Gore, in 1854 and 1856, have been successfully made during the last forty years, and have given a store of valuable and interesting scientific and economical information.

In 1805–'06, Dr. Sibley made notes of the country and inhabitants adjacent to the Territory of Orleans and an account of Red River. Mr. Dunbar, of Natchez, in 1804, under authority of the United States, surveyed and explored the Washita. (See President Jefferson's message of February 14, 1806, to Congress.)

HISTORICAL REFERENCES.

Bancroft's History of the United States; Hildreth's History of the United States; History of Louisiana; Spanish, French, and American Domination: Chas. Gayerre.

THE PURCHASE OF THE EAST AND WEST FLORIDAS FROM SPAIN.

PRELIMINARY WORK AND NEGOTIATIONS.

Spain, by the discovery of Florida on Palm Sunday, March 27, 1512, and its occupation dating from the landing of Ponce de Leon near Saint Augustine, April 8, 1512, and the various expeditions following, including that of Fernando de Soto, in 1536, who explored its interior, acquired the right to the possession of the Territory of Florida. Sir Francis Drake's capture of Saint Augustine, in 1586, was temporary. In 1736, Spain ceded Florida to Great Britain, in exchange for the island of Cuba, and the British flag was raised over it. In 1783, after the conclusion of the definitive treaty of peace between Great Britain and the United States, Great Britain ceded to Spain the provinces of East and West Florida, and they again came under the flag of Spain. This cession gave no definition of boundaries, and the province of West Florida became a subject of dispute between the United States and Spain.

THE PERDIDO CLAIM.

Great Britain held that the thirty-first parallel of north latitude was the northern boundary of the province she ceded, extending from the Appalachicola to the Mississippi River, and by another treaty made at the same time stated that the territory to the north of that parallel belonged to the United States (now in Alabama and Mississippi). The United States thereupon insisted upon the boundary at the thirty-first parallel north latitude. Spain claimed that the province of West Florida as ceded by Great Britain to her, remained as it was declared to be by the proclamation of the King of Great Britain, of date October 7, 1763, and extended by the recommendation of the British Board of Trade, June 6, 1764, and so held and governed by the British Government as shown by communications to Governor Elliott, of May 15, 1767. This included the territory between the rivers that bounded the original province and between the thirty-first parallel north latitude (going north) and to that of a line east and west from the mouth of the Yazoo River. Spain at once took possession of this territory and held it for a time, but by the treaty of 1795, October 27, waived claims to the territory north of latitude 31° north. This left the remainder of the province of West Florida still in doubt—that portion between the Iberville and Perdido rivers, and south of latitude 31° north, the national boundary. The United States claimed this country under the following title: October 1, 1800, Spain ceded to France the province of Louisiana. France, by the treaty of Paris, sold the same to the United States, April 30, 1803. Spain claimed after 1803, and up to 1819 (date of her sale of Florida to the United States) that the cession to France was only for the city and island of New Orleans and the province of Louisiana west of the Mississippi River, which she had in 1762 received from France. Part of this Perdido claim was afterwards annexed below 31° north latitude to the States of Alabama and Mississippi, extending thence to the Gulf. The United States by joint resolution of Congress, January 15, 1811, and acts of like date and of March 3, 1817, passed in secret session, made public in 1817, occupied and held this disputed territory for a time. Spain and France protested, but the United States never withdrew its claim to the territory.

The cession of the province of Louisiana by France in 1803 gave the United States a title to the territory west of the Perdido. This was also occupied.

Before and after the purchase of Louisiana, Mr. Jefferson looked toward the purchase of the province of Florida from Spain, and after the decision of Congress he appointed Mr. Armstrong, of New York, and Mr. Bowdoin, of Massachusetts, to negotiate the purchase of Florida from Spain. This negotiation failed. Then Mr. Monroe was called upon to join Mr. Pinckney, minister at Madrid, in the settlement of our difficulties with Spain both as to boundaries and claims for commercial spoliations. Mr. Monroe, in a letter to M. Talleyrand at Paris, November 4, 1804, gives a full statement of this, as well as did Mr. Livingston, in a letter of date November 12, 1804, at Paris, to M. Talleyrand, wherein he states "that Mr. Monroe, minister plenipotentiary from the United States to the court of London, is now here, on his way to Spain, where he is specially charged, in conjunction with Mr. Pinckney, to negotiate for the purchase of Florida." These letters asked the favorable intervention of the Emperor Napoleon with the Spanish King in the matter of the purchase. Talleyrand in his answer intimated that Bonaparte nonconcurred in the American view of the boundary question.

January 28, 1805, Messrs. Monroe and Pinckney addressed a letter to Don Pedro Cervallo, inclosing a project of a convention between the countries. This was answered by Don Cervallo January 31, 1805. A correspondence running until the 15th of May then followed, and ended in a refusal on the part of the King to treat further and in a rejection of the proffer of adjustment or purchase. On May 22, 1805, Mr. Monroe took leave of the King.

In 1807 Spain issued a decree similar to the French decree of November 21, 1806. This intensified public feeling aided by the fact that the question of settlement of national boundaries (Louisiana) and spoliation claims had not been settled between the two countries. A new Spanish minister, Don Onis, in 1808, arrived in behalf of the supporters of the royal family who had rebelled against Bonaparte's rule in Spain. President Jefferson declined to receive him.

In 1810, in the province of West Florida, and in that part lying on the Mississippi River, disturbances took place and the authority of Spain was defied. The fort at Baton Rouge was seized. The citizens declared themselves independent, adopted a flag, and made proclamation of the fact.

October 27, 1810, President Madison issued proclamation taking possession of the east bank of the Mississippi under the treaty of 1803, claiming that occupation was necessary to protect both the United States and Spain from violence, and would leave the question of ownership for the future. Governor Claiborne, of Orleans Territory, was dispatched at once from Washington to take possession. An attack upon Mobile by a party from near Fort Stoddart failed. They threatened another attack, whereupon Folck, the Spanish governor, in a letter to the American authorities hinted at a probability of his desiring to treat with them for the transfer of the province, unless he was re-enforced from Havana or Vera Cruz.

This occupation met strong opposition in the United States. An expedition was organized and acted against the Seminole Indians in East Florida. The legislature of Georgia, November 20, 1812, resolved that the occupation of Florida was essential to the safety of the State, and passed an act to raise a State force to act against Saint Augustine and punish the Indians. Early in 1813 a volunteer force entered Florida. Orders were issued July 14, 1814, by the War Department, to Andrew Jackson commanding, to take possession of the town of Pensacola, as Florida at this time had become a place of organization for marauding bands to act against the United States. The orders were six months reaching him. In the mean time a British naval force arrived at Pensacola and landed some troops under Colonel Nichols, who at once began to arm and equip the Creek refugees, enemies of the United States. The orders to General Jackson were countermanded October 21, 1814, but he, in the mean time, had entered Pensacola, driven out the British, and delivered the place to the Spanish authorities. Congressional inquiries were made this year of the executive department as to the position of the United States in relation to Spain. The answer was that it was friendly.

In 1815 Don Onis, the Spanish ambassador, was recognized. In 1816 the Spanish minister at Washington remonstrated against the continued occupation by the United States of West Florida and insisted on non-intercourse between the United States and Mexico, that province being then in revolt against Spain. Mr. Monroe, Secretary of State for President Madison, suggested that as West Florida was now separated from the Spanish possessions of Mexico, it was of but little advantage to Spain to hold it, and an exchange of part of Louisiana bordering on Texas was suggested for Florida, and neutrality as to Mexico was intimated; but nothing definite resulted from this correspondence.

In 1817, Mr. Monroe now being President, it was proposed to receive from Spain in settlement of the claims held by citizens of the United States against her, the cession of the province of Florida. This embraced the offer to accept for a western boundary of Louisiana the river Colorado, of Texas. To this Don Onis, the Spanish minister, objected.

A correspondence now ensued, from July 4, 1817, to March 18, 1818, between John Quincy Adams, Secretary of State, and Don Luis de Onis, which explains fully the differences between the two nations and their respective claims as to boundaries. (See American State Papers, vol. 12, pp. 1 to 195.)

During 1817, the Seminoles residing on Spanish territory harbored a large number of refugee Creeks of the late war. They were a constant source of alarm and war to the Georgia settlers. The Indians, in retaliation for their expulsion from the just ceded Creek territory, north of the line of Florida, attacked and captured a boat on the Appalachicola River. General Jackson was ordered to take command in person of the United States forces in the South, and orders were issued to pursue the Indians into Florida if necessary. In 1818, the statement of President Monroe, in his message to Congress, that expeditions had been authorized against Amelia Island and Galveston, was met with a protest from Don Luis de Onis, the Spanish minister at Washington. March 14, 1818, President Monroe transmitted to Congress the correspondence between John Quincy Adams and Don Luis de Onis, above referred to.

In April, 1818, General Jackson had, in the prosecution of the Indian (Seminole) war, taken possession of the Spanish fort at St. Mark's, Florida, taking it with force but without bloodshed, and thus Florida was occupied by troops of the United States. On May 24, 1818, General Jackson, on a rumor of the encouragement of an Indian invasion of Alabama (having the day before received a protest from the Spanish governor against the invasion, and a promise of resistance), entered the city of Pensacola. The governor held the fort at the Barrancas. An assault was ordered against it, when it capitulated on the 27th of May. On June 17, the Spanish minister protested to the United States against General Jackson's acts while a treaty was under consideration. The unfulfilled treaty agreements of Spain to restrain Indians in her territory from raiding the United States was set up, and the aid and assistance rendered the Indians by the forts at St. Mark's and Pensacola was held to be sufficient ground for their seizure, and that now that the Indian war was over, the two forts would be surrendered to Spain, when Spain would agree to garrison them with a force large enough to control the Indians.

The ratification of the convention of 1802, (now October, 1818,) arrived from Spain.

NEGOTIATIONS OPENED FOR CESSION, 1818.

De Onis opened negotiations under the instructions he had received with the ratification of the convention of 1802. He asked conditions, and that the boundary of the territory of Spain west of the Mississippi should be due north of a line commencing on the Gulf of Mexico east of the river Sabine, and extending to the Missouri, and thence to its source. Secretary Adams offered in reply, October 31, 1818, as his ultimatum, to accept as a boundary for the Spanish possessions west of the Mississippi (which would be the western and the southern boundary of the Louisiana province purchased from France in 1803) the river Sabine to the thirty-third degree north lati-

tude, thence to the Red River due north, that river to its source, the crest of the Rocky Mountains to the forty-first degree north latitude, and a line thence due west to the Pacific Ocean, about the present boundary of the Louisiana purchase. This claim Don Onis (November 16) pronounced unheard of, and proffered in lieu an agreement to the line of the Sabine River, with a line due north to the Missouri, and from and along that river to its head. Here the negotiations rested for a time, pending instructions from Spain. In the Congress of 1819, in January, a fierce debate came on as to the right of invasion of Spanish soil in Florida. February 22, 1819, John Quincy Adams, on behalf of the United States, and Don Luis de Onis, on behalf of Spain, at Washington, signed the treaty of the cession of Florida to the United States, as follows:

Treaty of amity, settlement, and limits between the United States of America and his catholic majesty. Concluded February 22, 1819; ratifications exchanged February 22, 1821; proclaimed February 22, 1821. Also ratification of the same by the King of Spain, October 24, 1820.

The United States of America and his catholic majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions, by a treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.

With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and his catholic majesty has appointed the Most Excellent Lord Don Luis De Onis, Gonzales, Lopez y Vara, Lord of the town of Rayaces, Perpetual Regidor of the Corporation of the city of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendée, Knight Pensioner of the Royal and Distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order; of the Council of his catholic majesty; his secretary, with exercise of decrees, and his envoy extraordinary and minister plenipotentiary near the United States of America;

And the said plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

ART. I. There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens and his catholic majesty, his successors and subjects, without exception of persons or places.

ART. II. His catholic majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States, duly authorized to receive them.

ART. III. The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole as being laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: The United States hereby cede to his catholic majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, his catholic majesty cedes to the said United

States all his rights, claims, and pretensions to any territories east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories forever.

ART. IV. To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South Sea: they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ART. V. The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

ART. VI. The inhabitants of the territories which his catholic majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

ART. VII. The officers and troops of his catholic majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this treaty, or sooner if possible, by the officers of his catholic majesty to the commissioners or officers of the United States duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana.

ART. VIII. All the grants of land made before the 24th of January, 1818, by his catholic majesty, or by his lawful authorities, in the said territories ceded by his majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of his catholic majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of his catholic majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

ART. IX. The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty.

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1802.

2. To all claims on account of prizes made by French privateers, and condemned by French consuls, within the territory and jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right to deposit at New Orleans in 1802.

4. To all claims of citizens of the United States upon the government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

5. To all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty.

The renunciation of his catholic majesty extends—

1. To all the injuries mentioned in the convention of the 11th of August, 1802.

2. To the sums which his catholic majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

4. To all claims of Spanish subjects upon the Government of the United States

arising from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally, to all the claims of subjects of his catholic majesty upon the Government of the United States in which the interposition of his catholic majesty's government has been solicited, before the date of this treaty and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of His Majesty, or to his minister in the United States.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American army in Florida.

ART. X. The convention entered into between the two governments, on the 11th of August, 1802, the ratifications of which were exchanged the 21st of December, 1818, is annulled.

ART. XI. The United States, exonerating Spain from all demands in future, on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, which commission shall meet at the city of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned. The said commissioners shall taken a oath or affirmation, to be entered on the record of their proceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness, or necessary absence of any such commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States, during the recess of the Senate, of another commissioner in his stead. The said commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795; the said documents to be specified, when demanded, at the instance of the said commissioners.

The payment of such claims as may be admitted and adjusted by the said commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their Treasury, or by the creation of stock, bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by law.

The records of the proceedings of the said commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United States; and copies of them, or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish minister in the United States.

ART. XII. The treaty of limits and navigation, of 1795, remains confirmed in all and each one of its articles excepting the 2, 3, 4, 21, and the second clause of the 22d article, which, having been altered by this treaty, or having received their entire execution, are no longer valid.

With respect to the 15th article of the same treaty of friendship, limits, and navigation of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those powers who recognize this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose government acknowledge this principle, and not of others.

ART. XIII. Both contracting parties, wishing to favour their mutual commerce, by affording in their ports every necessary assistance to their respective merchant vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation: that is to say, the American consul in a Spanish port shall exhibit the document known by the name of articles, and the Spanish consul in American ports the roll of the vessel; and if the name of the deserter or deserters who

are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

ART. XIV. The United States hereby certify that they have not received any compensation from France for the injuries they suffered from her privateers, consuls, and tribunals on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

ART. XV. The United States, to give to his catholic majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favour the commerce of the subjects of his catholic majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

ART. XVI. The present treaty shall be ratified in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof we, the underwritten plenipotentiaries of the United States of America and of his catholic majesty, have signed, by virtue of our powers, the present treaty of amity, settlement, and limits, and have thereunto affixed our seals, respectively.

Done at Washington this twenty-second day of February, one thousand eight hundred and nineteen.

JOHN QUINCY ADAMS. [L. S.]
LUIS DE ONIS. [L. S.]

POLITICAL ACTION ON THE TREATY.

This treaty was unanimously ratified by the Senate of the United States. Spain did not ratify at once, but let the time fixed for ratification expire. Congress, in expectation of an immediate ratification by Spain, passed an act authorizing the President to take possession of the Floridas.

The hesitation of Spain to ratify was the cause of vigorous and urgent diplomatic action. De Onis was recalled as Spanish ambassador, and Don Vives sent out. He came by the way of Paris and London. On his arrival at Washington he opened a correspondence with Mr. Adams, who demanded action upon the treaty already entered into between the United States and Spain, upon full powers and in conformity to instructions. A stormy political discussion took place in Congress pending ratification by Spain. Much was made of the proposed western boundary of Louisiana.

RATIFICATION BY THE KING OF SPAIN.

October 29, 1820, the treaty was ratified by the King of Spain.

Ratification by His Catholic Majesty, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty.*

Ferdinand the Seventh, by the Grace of God and by the constitution of the Spanish monarchy, King of the Spains.

Whereas on the twenty-second day of February, of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the city of Washington, between Don Luis de Onis, my envoy extraordinary and minister plenipotentiary, and John Quincy Adams, Esq., Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences and of limits between both governments and their respective territories, which are of the following form and literal tenor:

[Here follows the above treaty, word for word.]

Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the nation with respect to the cession mentioned and stipulated in the 2d and 3d articles, I approve and ratify all and every one of the articles referred to, and the clauses which are con-

* Translation.

tained in them; and, in virtue of these presents, I approve and ratify them; promising, on the faith and word of a King, to execute and observe them, and to cause them to be executed and observed entirely as if I myself had signed them; and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article, may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which point of date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Punonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner; under which explicit declaration the said 8th article is to be understood as ratified. In the faith of all which I have commanded to despatch these presents. Signed by my hand, sealed with my secret seal, and countersigned by the underwritten my Secretary of Despatch of State.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

FERNANDO.

EVARISTO PEREZ DE CASTRO.

[Copies of the grants annulled by the foregoing treaty will be found in 8 Statutes at Large, page 267, *et seq.*]

The treaty was again sent to the Senate of the United States for ratification, and ratified February 19, 1821, there being but four dissenting votes.

PROCLAMATION OF TREATY.

February 22d, 1821, two years after the signing by the agents of the respective governments, President Monroe issued the following proclamation:

By the President of the United States: a Proclamation.

Whereas, a treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty was concluded and signed between their plenipotentiaries in this city, on the twenty-second day of February, in the year of our Lord one thousand eight hundred and nineteen, which treaty, word for word, is as follows:

[Here follows the treaty in full.]

And whereas, his said Catholic Majesty did, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty, ratify and confirm the said treaty, which ratification is in the words and of the tenor following:

[Here follows the ratification by the King of Spain in full.]

And whereas, the Senate of the United States did, on the nineteenth day of the present month, advise and consent to the ratification, on the part of these United States, of the said treaty, in the following words:

"IN SENATE OF THE UNITED STATES, *February* 19, 1821.

"*Resolved, two-thirds of the Senators present concurring therein*, That the Senate, having examined the treaty of amity, settlement, and limits between the United States of America and His Catholic Majesty, made and concluded on the twenty-second of February, one thousand eight hundred and nineteen, and seen and considered the ratification thereof made by his said Catholic Majesty on the twenty-fourth day of October, one thousand eight hundred and twenty, do consent to and advise the President of the United States to ratify the same."

And whereas, in pursuance of the said advice and consent of the Senate of the United States, I have ratified and confirmed the said treaty, in the words following, viz.:

"Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the treaty above recited, together with the ratification of His Catholic Majesty thereof, do, in pursuance of the aforesaid advice and consent of the Senate of the United States, by these presents, accept, ratify, and confirm, the said treaty, and every clause and article thereof, as the same are herein before set forth.

"In faith whereof I have caused the seal of the United States of America to be hereto affixed.

"Given under my hand, at the city of Washington, this twenty-second day of Feb-

ruary, in the year of our Lord one thousand eight hundred and twenty-one, and of the Independence of the said States the forty-fifth.

"By the President: "JAMES MONROE.

"JOHN QUINCY ADAMS,
"Secretary of State."

And whereas the said ratifications, on the part of the United States, and of His Catholic Majesty, have been this day duly exchanged, at Washington, by John Quincy Adams, Secretary of State of the United States, and by General Dn. Francisco Dionisio Vives, envoy extraordinary and minister plenipotentiary of His Catholic Majesty: Now, therefore, to the end that the said treaty may be observed and performed with good faith, on the part of the United States, I have caused the premises to be made public; and I do hereby enjoin and require all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the twenty-second day of February, in the year of our Lord one thousand eight hundred and twenty-one, and of the sovereignty and Independence of the United States the forty-fifth.

[L. S.] JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

THE SEVERAL ACTS AND DEEDS ACQUIRING POSSESSION OF THE FLORIDAS.

Col. Robert Butler was appointed commissioner under the treaty on the part of the United States, and Don José Coppinger on the part of Spain, for East Florida.

March 3, 1821, Congress authorized, by law, the President to organize a temporary government for Florida pending legislation.

President Monroe, March 10, 1821, appointed Major-General Andrew Jackson governor, his commission vesting in him all the powers and duties heretofore held and exercised by the captain-general, intendant, and governor under Spain.

SURRENDER OF THE FLORIDAS BY SPAIN.

July 10, 1821, Don José Coppinger, appointed a commissioner by the captain-general of Cuba, and Col. Robert Butler, appointed a commissioner on the part of the United States, met at Saint Augustine and, after inventory, proceeded to turn over for Spain and receive for the United States the province of East Florida.

Copy of the paper in the English language, signed by the commissioner on the part of the United States, and the commissioner on the part of His Catholic Majesty, upon the delivery of possession of the province of East Florida to the United States.

In the place of St. Augustine, and on the 10th day of July, eighteen hundred and twenty-one, Don José Coppinger, colonel of the national armies, and commissioner, appointed by his excellency the captain-general of the island of Cuba, to make a formal delivery of this said place and province of East Florida to the Government of the United States of America, by virtue of the treaty of cession concluded at Washington on the 22d of February, 1819, and the royal schedule of delivery of the 24th of October, of the last year, annexed to the documents mentioned in the certificate that form a heading to these instruments in testimony thereof, and the adjutant-general of the southern division of said States, Colonel Don Robert Butler, duly authorized by the aforesaid Government to receive the same; we having had several conferences in order to carry into effect our respective commissions, as will appear by our official communications, and having received by the latter, the documents, inventories, and plans, appertaining to the property and sovereignty of the Spanish nation held in this province and its adjacent islands depending thereon, with the sites, public squares, vacant lands, public edifices, fortifications, and other works, not being private property, and the same having been preceded by the arrangements and formalities that, for the greater solemnity of this important act, they have judged proper, there has been verified, at four o'clock of the evening of this day, the complete and personal delivery of the fortifications, and all else of this aforesaid province to the commissioner, officers, and troops of the United States: and, in consequence thereof, having embarked for the Havana the military and civil officers and Spanish troops, in the American transports provided for this purpose, the Spanish authorities having this moment ceased the exercise of their functions, and those appointed by the American Government having began theirs; duly noting that

we have transmitted to our governments the doubts occurring whether the artillery ought to be comprehended in the fortifications, and if the public archives, relating to private property, ought to remain and be delivered to the American Government by virtue of the cession, and that there remains in the fortifications, until the aforesaid resolution is made, the artillery, munitions, and implements, specified in a particular inventory, awaiting on these points, and the others appearing in question in our correspondence, the superior decision of our respective governments, and which is to have, whatever may be the result, the most religious compliance at any time that it may arrive, and in which the possession that at present appears given shall not serve as an obstacle.

In testimony of which, and that this may at all times serve as an expressive and formal receipt in this act, we, the subscribing commissioners, sign four instruments of this same tenor, in the English and Spanish languages, at the above-mentioned place, and said day, month, and year.

ROBERT BUTLER.
JOSÉ COPPINGER.

[To the original act there is a certificate in the Spanish language, of which the following is a translation :]

In faith whereof I certify that the preceding act was executed in the presence of the illustrious Ayuntamiento, and various private persons assembled, and also of various military and naval officers of the Government of the United States of America.

JUAN DE ENTRALGO,
Notary of the Government and Secretary of the Cabildo.

ST. AUGUSTINE, 10*th July*, 1821.

TRANSFER OF THE PROVINCE OF WEST FLORIDA.

The Province of West Florida was transferred to the United States July 17, 1821. It was received by General Jackson, commissioner on behalf of the United States, from José Callava, commissioner on behalf of Spain, at Pensacola.

Copy of the paper in the English language signed by the commissioner on the part of the United States, and the commissioner on the part of his catholic majesty, upon the delivery of possession of the province of West Florida to the United States.

The undersigned, Major General Andrew Jackson, of the State of Tennessee, commissioner of the United States, in pursuance of the full powers received by him from James Monroe, President of the United States of America, of the date of the 10th of March, 1821, and of the 45th of the Independence of the United States of America, attested by John Quincy Adams, Secretary of State, and Don José Callava, commandant of the province of West Florida, and commissioner for the delivery, in the name of his catholic majesty, of the country, territories, and dependencies, of West Florida, to the commissioner of the United States, in conformity with the powers, commission, and special mandate, received by him from the captain-general of the Island of Cuba, of the date of the 5th of May, 1821, imparting to him therein the royal order of the 24th of October, 1820, issued and signed by his catholic majesty, Ferdinand the Seventh, and attested by the secretary of state, Don Evaristo Perez de Castro.

Do certify by these presents, that, on the seventeenth day of July, one thousand eight hundred and twenty-one of the Christian æra, and forty-sixth of the Independence of the United States, having met in the court-room of the government house in the town of Pensacola, accompanied on either part by the chiefs and officers of the army and navy, and by a number of the citizens of the respective nations, the said Andrew Jackson, major-general and commissioner, has delivered to the said Colonel Commandant Don José Callava, his before-mentioned powers; whereby he recognizes him to have received full power and authority to take possession of, and to occupy, the territories ceded by Spain to the United States by the treaty concluded at Washington on the 22d day of February, 1819, and for that purpose to repair to said territories, and there to execute and to peform all such acts and things touching the premises, as may be necessary for fulfilling his appointment conformably to the said treaty and the laws of the United States, with authority likewise to appoint any person or persons in his stead, to receive possession of any part of the said ceded territories, according to the stipulations of the said treaty: Wherefore, the Colonel Commandant Don José Callava immediately declared, that, in virtue and in performance of the power, commission, and special mandate, dated at Havana on the 5th of May, 1821, he thenceforth, and from that moment, placed the said commissioner of the United States in possession of the country, territories, and dependencies, of West Florida, including the fortress of St. Marks, with the adjacent islands dependent upon said province, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other build-

ings which are not private property, according to, and in the manner set forth by, the inventories and schedules which he has signed and delivered with the archives and documents directly relating to the property and sovereignty of the said territory of West Florida, including the fortress of St. Marks, and situated to the east of the Mississippi River, the whole in conformity with the second article of the treaty of cession concluded at Washington the 22d of February, 1819, between Spain and the United States, by Don Luis de Onis, minister plenipotentiary of his catholic majesty, and John Quincy Adams, Secretary of State of the United States, both provided with full powers, which treaty has been ratified on the one part by his catholic majesty, Ferdinand the Seventh, and the President of the United States, with the advice and consent of the Senate of the United States, on the other part; which ratifications have been duly exchanged at Washington the 22d of February, 1821, and the forty-fifth of the Independence of the United States of America, by General Don Dyonisius Vives, minister plenipotentiary of his catholic majesty, and John Quincy Adams, Secretary of State of the United States, according to the instrument signed on the same day: And the present delivery of the country is made in order that, in execution of the said treaty, the sovereignty and the property of that province of West Florida, including the fortress of St. Marks, shall pass to the United States, under the stipulations therein expressed.

And the said Colonel Commandant Don José Callava has, in consequence, at this present time, made to the commissioner of the United States, Major-General Andrew Jackson, in this public cession, a delivery of the keys of the town of Pensacola, of the archives, documents, and other articles, in the inventories before mentioned; declaring that he releases from their oath of allegiance to Spain the citizens and inhabitants of West Florida who may choose to remain under the dominion of the United States.

And that this important and solemn act may be in perpetual memory, the within named have signed the same, and have sealed with their respective seals, and caused to be attested by their secretaries of commission, the day and year aforesaid.

ANDREW JACKSON.

By order of the Commissioner on the part of the United States.

R. K. CALL,
Sec'y of the Commission.

JOSÉ CALLAVA.

Por mandato de su senoria el Coronel Comisario del Gobierno de España.

JOSÉ Y. CRUZAT,
El Secretario de la Comision.

July 17, 1821, the date of the transfer of West Florida, General Jackson at Pensacola issued the following:

Proclamation by Major-General Andrew Jackson, governor of the provinces of the Floridas, exercising the powers of the captain-general and of the intendant of the island of Cuba, over the said provinces, and of the governors of said provinces, respectively.

Whereas, by the treaty concluded between the United States and Spain, on the 22d day of February, 1819, and duly ratified, the provinces of the Floridas were ceded by Spain to the United States, and the possession of the said provinces is now in the United States:

And whereas the Congress of the United States, on the 3d day of March, in the present year, did enact that, until the end of the first session of the Seventeenth Congress, unless provision for the temporary government of said provinces be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the said provinces, shall be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion; and the President of the United States has, by his commission, bearing date the tenth day of said March, invested me with all the powers, and charged me with the several duties, heretofore held and exercised by the captain-general, intendant, and governors, aforesaid:

I have, therefore, thought fit to issue this my proclamation, making known the premises, and to declare that the government heretofore exercised over the said provinces, under the authority of Spain, has ceased, and that that of the United States of America is established over the same; that the inhabitants thereof will be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States; that, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess; that all laws and municipal regulations which were in existence at the cessation of the late government, remain in full force; and all civil officers charged with their execution, except those whose powers have been especially vested in me, and except, also, such officers as have been intrusted with the collection of the revenue, are continued in their functions, during the pleasure of the governor for the time being, or until provision shall otherwise be made.

And I do hereby exhort and enjoin all the inhabitants and other persons within the said provinces, to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full assurance that their just rights will be under the guardianship of the United States, and will be maintained from all force and violence from without or within.

Given at Pensacola this [*tenth* day of July for East Florida, and *seventeenth* day of July for West Florida,] one thousand eight hundred and twenty-one.

ANDREW JACKSON.

By the governor:
R. K. CALL, *Acting Secretary of the Floridas.*

ST. AUGUSTINE, EAST FLORIDA, *July* 10, 1821.

By the governor:
ROBERT BUTLER, *United States Commissioner.*

And thus the banner of Spain, which was first raised in Florida April 8, 1512, giving place temporarily to the English from 1736 to 1783, was on the 10th and 17th of July, 1821, after a period of about three hundred and eight years, replaced by the flag of the United States.

BOUNDARIES OF THE FLORIDAS.

General Jackson had serious difficulties thereafter with the Spanish officials in obtaining documents and papers relating to the transfer.

March 30, 1822, Congress passed an organic act for the Territory of Florida, providing a civil government, and thus superseding the laws of Spain, which continued in force until this action by Congress. William P. Duval was appointed governor. The treaty stipulation in regard to the western and southern boundary of the Louisiana purchase, or eastern and western boundary of the Spanish possessions (Mexico) west of the Mississippi, were not carried out with Spain because of the war between Mexico and Spain.

January 12, 1828, the United States entered into treaty with Mexico, J. R. Poinsett acting on behalf of the United States, and S. Camacho and J. Y. Esteva on the part of Mexico, at the City of Mexico. (Ratifications exchanged April 5, 1832; proclaimed April 5, 1832.) This treaty referred to the Florida treaty of 1819, and to the boundary line which was established by Spain when Mexico constituted part of that monarchy, and confirmed the third and fourth articles of the treaty of Spain with the United States of 1819. It was ratified by the Senate of the United States with only three dissenting votes. This treaty was carried out, and the boundary between the United States and Mexico fixed as follows:

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward to the degree of longitude one hundred west from London and twenty-three from Washington; then crossing the said Red River, and running thence by a line due north to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude forty-two north; and thence, by that parallel of latitude, to the South Sea; the whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, one thousand eight hundred and eighteen. But if the source of the Arkansas River shall be found to fall north or south of latitude forty-two, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude forty-two, and thence along the said parallel to the South Sea, all the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States of America; but the use of the waters and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions to the territories described by the said line; that is to say, the United States hereby cede to his catholic majesty, renounce forever, all their rights, claims, and pretensions to the territories lying west and south of the above-described line;

and, in like manner, his catholic majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line; and for himself, his heirs, and successors, renounces all claim to the said territories forever.

COST AND AREA OF THE PURCHASE.

The Florida treaty cost the Government of the United States $5,000,000 in bonds similar to those issued for the Louisiana purchase, and $1,489,768 of interest on the same to the time of redemption, delivered to the Spanish Government, a total of $6,489,768, and added to the national and public domain 59,268 square miles or 37,931,520 acres, or the present State of Florida, including certain grants.

The land laws of the United States were afterward extended, as to surveys and disposition, over Florida, and the lands were disposed of thereunder, excepting certain grants made by English and Spanish authorities.

Decisions of the Supreme Court of the United States under this treaty, in relation to lands and land titles, were in the cases of Foster *et al.* v. Neilson (2 Peters, 306); Soulard *et al.* v. The United States (4 Peters, 511); Delaware v. The United States (9 Peters, 117); Mitchel *et al.* v. The United States (9 Peters, 711); The United States v. Kingsley (12 Peters, 476); The United States v. Arredondo (6 Peters, 706); The United States v. Percheman (9 Peters, 51).

Authorities cited hereunder: Hildreth, History of the United States, vol. 6; Benton, Thirty Years in the United States Senate, vol. 1; "Treaties and Conventions," State Department series, July 4, 1776–1871; American State Papers, vol. 12, Waite & Sons, 1817; Charters and Constitutions, Ben. Perley Poore, vol. 1; Reports Supreme Court of the United States, Peters, vols. 2, 4, 6, 7, 9, and 12.

ANNEXATION OF THE REPUBLIC OF TEXAS.

POLITICAL HISTORY.

The area embraced in the Texas annexation of 1845 was originally embraced in the French or Spanish possessions west of the Mississippi. France never ceded her claim to Texas due to discovery by La Salle in 1682, and colonization in 1685, February 18, at Matagorda Bay. In 1676 the Marquis Laguna, Viceroy of Mexico, sent an expedition to capture the country. In 1691 Don Domingo Teran was appointed governor of Cohahuila and Texas, under Spain. The United States purchased the province of Louisiana from France in 1803 and her claims to this territory as well. By the treaty of purchase of Florida in 1819 from Spain, however, the United States agreed to the present eastern boundary of the State of Texas as the eastern boundary of Spanish possessions. The United States of Mexico obtained, under the treaty at Cordova, February 24, 1821, their independence of Spanish rule. By treaty at Mexico, of date January 12, 1828, the boundary between the two countries was confirmed and ratified as described and laid down by the Spanish treaty of 1819. Cohahuila and Texas, the northeast provinces of Mexico, were continued under one government and united as a state by the Mexican Government, with a governor, remaining as they were under Spanish rule. A congress of this State met at Saltillo in 1827 and framed a constitution, which was proclaimed March 11, 1827, in which year Mr. Clay, Secretary of State under Mr. Adams, instructed J. R. Poinsett, minister of the United States to Mexico, to offer $1,000,000 for the cession to the United States of Mexico's territory east of the Rio Grande, but Mr. Poinsett did not make this tender to the Mexican Government.

In 1829 Mr. Van Buren, Secretary of State under General Jackson, instructed our minister to Mexico to offer four or five millions of dollars for the portion of Texas this side of the Nueces River, but Mexico refused. In 1830 orders were issued to prevent any further emigration from the United States. Another constitution was formed and a declaration of independence made at San Felipe de Austin by a convention which met October 17, 1835. It was signed November 13, 1835. Henry Smith was elected governor of the provisional government which was created thereunder.

REPUBLIC OF TEXAS ORGANIZED—REVOLUTION AND WAR WITH MEXICO.

A war ensued between the Mexicans and the Americans in Texas. A declaration of independence was adopted at Washington, on the Brazos River, by a convention, together with an executive ordinance. On May 27, 1836, the Republic of Texas was proclaimed, and David G. Burnet elected president. Its boundaries by act of congress of the Republic were fixed on the north and east as settled in the treaty between the United States and Spain, 1819, confirmed by Mexico in 1828; on the south and west from the mouth of the Sabine along the Gulf; thence three leagues from shore to the mouth of and up the Rio Grande River to its source, and thence due north to the forty-fourth parallel north latitude.

REPUBLIC OF TEXAS RECOGNIZED BY THE UNITED STATES.

By joint resolution, March 3, 1837, the Republic of Texas was recognized by the United States. A convention was held between John Forsyth on behalf of the United States, and Memucan Hunt for the Republic of Texas, at Washington, D. C., April 25, 1838, for marking the boundary between them, the ratifications of which were exchanged October 12, 1838, and the treaty proclaimed October 13, 1838. The following is a copy of the same:

Treaty between the United States and Texas.

Whereas the treaty of limits made and concluded on the twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, between the United States of America on the one part and the United Mexican States on the other, is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of the said United Mexican States;

And whereas it is deemed proper and expedient, in order to prevent future disputes and collisions between the United States and Texas in regard to the boundary between the two countries as designated by the said treaty, that a portion of the same should be run and marked without unnecessary delay:

The President of the United States has appointed John Forsyth their plenipotentiary, and the President of the Republic of Texas has appointed Memucan Hunt its plenipotentiary;

And the said plenipotentiaries, having exchanged their full powers, have agreed upon and concluded the following articles:

ARTICLE I. Each of the contracting parties shall appoint a commissioner and surveyor, who shall meet, before the termination of twelve months from the exchange of the ratifications of this convention, at New Orleans, and proceed to run and mark that portio of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulph of Mexico, to the Red River. They shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this convention, and shall have the same force as if it were inserted therein. The two governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ART. II. And it is agreed that until this line shall be marked out, as is provided for in the foregoing article, each of the contracting parties shall continue to exercise jurisdiction in all territory over which its jurisdiction has hitherto been exercised; and that the remaining portion of the said boundary line shall be run and marked at such time hereafter as may suit the convenience of both the contracting parties, until which time each of the said parties shall exercise, without the interference of the other, within the territory of which the boundary shall not have been so marked and run, jurisdiction to the same extent to which it has been heretofore usually exercised.

ART. III. The present convention shall be ratified, and the ratifications shall be exchanged at Washington, within the term of six months from the date hereof, or sooner if possible.

In witness whereof we, the respective plenipotentiaries, have signed the same, and have hereunto affixed our respective seals.

Done at Washington this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and thirty-eight, in the sixty-second year of the Independence of the United States of America, and in the third of that of the Republic of Texas.

JOHN FORSYTH. [L. S.]
MEMUCAN HUNT. [L. S.]

ANNEXATION OF TEXAS TO THE UNITED STATES.

Texas made several applications for the recognition of her independence during the administrations of President Jackson and President Van Buren. Admission into the Union was soon urged. President Tyler favored it, and the admission of Texas as a State into the Union became a national political issue. In 1844 the annexation treaty was rejected in the Senate by a vote of 16 to 35 nays.

March 1, 1845, the Congress of the United States passed a joint resolution for the annexation of the Republic of Texas to the United States, as follows:

JOINT RESOLUTION for annexing Texas to the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

SEC. 2. *And be it further resolved*, That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

First. Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

Second. Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct, but in no event are said debts and liabilities to become a charge upon the Government of the United States.

Third. New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crimes) shall be prohibited.

SEC. 3. *And be it further resolved*, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic; then,

Be it resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the governments of Texas and the United States: That the sum of one hundred thousand dollars be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two houses of Congress, as the President may direct.

This joint resolution passed the House of Representatives February 25, 1845, by a vote of 120 ayes to 98 nays. It passed the Senate by a vote of 27 ayes to 25 nays March 1, 1845, and was approved by President Tyler. A messenger was dispatched with these resolutions at once to the Republic of Texas.

CONSENT OF TEXAS TO ANNEXATION TO THE UNITED STATES.

The following was the consent of Texas to annexation:

Whereas the Government of the United States hath proposed the following terms, guarantees, and conditions on which the people and territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, and admitted as one of the States of the American Union, to wit:

[Here follow the first and second sections of the resolutions of the Congress of the United States, above set out, of March 1, 1845.]

And whereas, by said terms, the consent of the existing government of Texas is required; therefore

Be it resolved by the senate and house of representatives of the Republic of Texas, in congress assembled, That the government of Texas doth consent that the people and territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, in order that the same may be admitted as one of the States of the American Union; and said consent is given on the terms, guarantees, and conditions set forth in the preamble of this joint resolution.

SEC. 2. *Be it further resolved,* That the proclamation of the president of the Republic of Texas, bearing date May fifth, eighteen hundred and forty-five, and the election of deputies to sit in convention at Austin, on the fourth day of July next, for the adoption of a constitution for the State of Texas, had in accordance therewith, hereby receives the consent of the existing government of Texas.

SEC. 3. *Be it further resolved,* That the President of Texas is hereby requested immediately to furnish the Government of the United States, through their accredited minister near this government, with a copy of this joint resolution; also, to furnish the convention to assemble at Austin, on the fourth of July next, a copy of the same, and the same shall take effect from and after its passage.

An ordinance.

Whereas, The Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States on the first day of March, one thousand eight hundred and forty-five; and whereas the President of the United States has submitted to Texas the first and second sections of the said resolutions, as the basis upon which Texas may be admitted as one of the States of the said Union; and whereas the existing government of the Republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follows: [Here follow the resolutions, above referred to, of March 1, 1845.]

Now, in order to manifest the assent of the people of this republic, as required in the above-recited portions of the said resolutions, we, the deputies of the people of Texas in convention assembled, in their name and by their authority, do ordain and declare that we assent to and accept the proposals, conditions, and guarantees contained in the first and second sections of the resolutions of the Congress of the United States aforesaid.

Done at the city of Austin, Republic of Texas, July 4, 1845.

WM. J. RUSK, *President.*

PHIL. M. CUNY.
H. G. RUNNELS.
ROBERT M. FORBES.
SAM LUSK.
JNO. CALDWELL.
JOSE ANTONIO NAVARRO.
GEO. WM. BROWN.
GUSTAVUS A. EVERTS.
LEMUEL DALE EVANS.
J. B. MILLER.
R. E. B BAYLOR.
J. S. MAYFIELD.
R. BACHE.
JAMES LOVE.
WM. L. HUNTER.
JNO. D. ANDERSON.
ISAAC PARKER.
P. O. LUMPKIN.
FRANCIS MOORE, JR.
ISAAC W. BRASHEAR.
ALEXANDER MCGOWAN.
ISAAC VAN ZANDT.
S. HOLLAND.
EDWARD CLARK.
GEO. W. SMYTH.
JAMES ARMSTRONG.
JOHN M. LEWIS.
JAMES SCOTT.
ARCHIBALD MCNEILL.
A. C. HORTON.
ISRAEL STANDEFER.
JOS. L. HOGG
CHAS. S. TAYLOR.
DAVID GAGE.
HENRY J. JEWETT.
CAVITT ARMSTRONG.
JAMES POWER.
ALBERT H. LATIMER.
WM. C. YOUNG.
J. PINCKNEY HENDERSON.
NICHOLAS H. DARNELL.
EMERY RAINS.
A. W. O. HICKS.
JAMES M. BURROUGHS.
H. L. KINNEY.
WILLIAM L. CAZNEAU.
A. S. CUNNINGHAM.
ABNER S. LIPSCOMB.
JOHN HEMPHILL.
VAN R. IRION.
VOLNEY E. HOWARD.
E. H. TARRANT.
FRANCIS M. WHITE.
JAMES DAVIS.
GEORGE T. WOOD.
G. W. WRIGHT.
H. R. LATIMER.
W. B. OCHILTREE.
OLIVER JONES.
B. C. BAGBY.
CHAS. BELLINGER STEWART.

Attest:

JAS. H. RAYMOND, *Secretary.*

A constitutional convention met at Austin—named after a colonist of that name—July 4, 1845, and completed its work August 27, 1845. The constitution so framed was submitted to the people October 13, 1845, and ratified by a vote of 4,174 ayes to 312 nays.

TEXAS ADMITTED INTO THE UNION.

December 29, 1845, Congress passed the following joint resolution:

JOINT RESOLUTION for the admission of the State of Texas into the Union.

Whereas the Congress of the United States, by a joint resolution approved March the first, eighteen hundred and forty-five, did consent that the territory properly included within, and rightfully belonging to, the Republic of Texas, might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic, by deputies in convention assembled, with the consent of the existing government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing government, did adopt a constitution, and erect a new State, with a republican form of government, and, in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guarantees contained in said first and second sections of said resolution: and whereas the said constitution, with the proper evidence of its adoption by the people of the Republic of Texas, has been transmitted to the President of the United States, and laid before Congress, in conformity to the provisions of said joint resolution: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

SEC. 2. *And be it further resolved*, That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two Representatives.

This was approved by President Polk December 29, 1845.

AREA OF ANNEXED TERRITORY.

The territory acquired by this annexation was equal to the area of the present State of Texas, viz: 274,356 square miles, or 175,587,840 acres; and the land ceded by Texas in 1850 to the United States for $16,000,000, amounting to 101,767 square miles, or 65,130,880 acres, which became a part of the public domain. It added to the national domain 376,123 square miles, or 240,718,720 acres.

The State of Texas retained the disposition of her public lands. The United States never owned public lands in Texas. The State has a land office for the sale and disposition of her large unoccupied domain and makes grants to railroads, and for other purposes, being sovereign over the land. She has her own settlement laws.

THE TREATY OF GUADALUPE HIDALGO—ACQUISITION OF TERRITORY FROM THE REPUBLIC OF MEXICO.

PRELIMINARY ATTEMPTS AT PURCHASE, AND HISTORY.

The treaty of Guadalupe Hidalgo, between the United States and the Republic of Mexico, February 2, 1848, added to the national and public domain the territory lying between the Rio Grande River north along the one hundred and sixth meridian of longitude west from Greenwich to the forty-second parallel north latitude, and along that parallel to the Pacific Ocean. Prior to the time that Commodore Sloat took possession of California, she had been the object of jealous attention on the part of several foreign nations. The Russians established themselves at Bodega, on the coast of California, in the year 1812, by permission of Spain, for the purpose of fishing and obtaining furs.

Then, after this, they brought cattle, raised herds, and produced wheat. Forty miles from Bodega, beyond the San Sebastian River, they built Fort Slawianski, called by the Mexicans "Fort of Ross." They flew the Russian flag, and the military governor appointed by the Czar of Russia was in command. During the Mexican revolution they assumed to be the actual owners of the territory thus occupied. In the year 1842, through the fostering care of the Russian home government, this colony possessed one-sixth of the white population of California. After the United States finally acquired California this military colony was withdrawn.

In the year 1835, President Jackson proposed to the government of Mexico to purchase the territory lying east and north of a line drawn from the Gulf of Mexico along the eastern bank of the Rio Grande up to the thirty-seventh parallel north latitude, and thence along that parallel to the Pacific Ocean. This would have obtained the Bay of San Francisco, but the negotiation failed. Frémont's expedition by land and Wilkes's exploring expedition by sea and land, all under Government auspices, gave much information to the country at large of the Pacific Coast.

In 1841, by order of Marshal Soult, minister of war of France, an attaché of the French mission to Mexico, M. Duflot de Mopas, visited California and made a thorough exploration. He remained there two years.

In 1846 an informal meeting of citizens and natives of California was held at Monterey to consider annexation. The consuls of England (Forbes), of France (Guyo), and of the United States (Larkin) were working during this period to encourage in the Californians a desire for annexation to one of their respective countries. Members were elected to a convention to consider annexation, but it never met. It was claimed that Great Britain intended to seize California as an equivalent for the Mexican debt due to British subjects. She had a fleet in the Pacific waters watching the American fleet, and it entered the harbor of Monterey a few hours after Commodore Sloat had there raised the American flag, July 7, 1846. It is presumed from official action on the part of the naval and other officers of the United States Government, that our navy was to see that no foreign government took possession of California. (See Mr. Buchanan's letter to Minister Slidell, April 10, 1845, as to the French and English designs.)

After the terms of annexation offered to Texas by the United States had been accepted by Texas, President Polk, in 1845, ordered the army of the United States to occupy the western portion of Texas, between the Nueces and Rio Grande rivers and to hold it. A strong naval force in the Gulf was ordered to co-operate with the army. Under date of November 10, 1845, Mr. Buchanan, Secretary of State, instructed John Slidell, United States minister to Mexico, to offer the Mexican Government, for the cession of New Mexico and a boundary line on the Rio Grande and to the forty-second parallel north latitude, the assumption of claims of American citizens against Mexico, and $5,000,000; for the cession of the province of California, the assumption of claims of American citizens against Mexico and $25,000,000; and for the bay and harbor of San Francisco and north of it, $20,000,000.

WAR WITH MEXICO, MAY 13, 1846.

On the 13th of May, 1846, Congress passed a law declaring that "war existed by the act of Mexico," and the war with Mexico ensued.

THE PRELIMINARY STEPS TOWARD PEACE.

April 15, 1845, President Polk commissioned Nicholas P. Trist, esq., chief clerk of the Department of State, to proceed, as the confidential agent of the Government and commissioner, to Mexico. He was furnished with a project of treaty, stating the purchase prices to be paid for the extension of our boundary. Upon his arrival in Mexico, Mr. Trist opened his negotiations with the Mexican authorities. On the 2d of September, 1847, he met the Mexican commissioners and tried to arrange a treaty, but failed. A

temporary armistice was granted. September 6, General Scott notified Santa Anna that he would resume military operations the next day, as the armistice had been repeatedly broken. On the 7th the war was resumed.

November 22, proposals were received from the Mexican authorities for negotiations for a treaty.

THE TREATY OF GUADALUPE HIDALGO.

It was made by Nicholas Trist, esq., on behalf of the United States (although a long time before recalled), and Luis G. Cuevas, Bernardo Couto and Miguel Atristain on the part of Mexico. This treaty was done at the City of Guadalupe Hidalgo, Mexico, February 2, 1848. Mr. Trist transmitted it to Mr. Buchanan, Secretary of State, and President Polk sent it to the Senate with a message on Wednesday, February 23, 1848. He recommended that the tenth article should not be ratified. The Senate, after debate, amended it. It was finally adopted with amendments, March 10, 1848, by a vote of yeas 38, nays 14.

By and with the advice of the Senate, President Polk appointed Hon. Ambrose H. Sevier (United States Senator), of Arkansas, and Hon. Nathaniel Clifford (Attorney-General), of Maine, commissioners to Mexico, as envoys extraordinary and ministers plenipotentiaries. They took with them a copy of the treaty, with the amendments of the Senate duly ratified by the President, and had full powers to ratify the same The protocol to the treaty was their work. They arrived at the city of Queretaro May 5, 1848. The amended treaty was submitted to the Mexican Senate on that day, and it passed by a vote of 33 ayes to 5 nays. It had previously passed the House of Deputies.

On the 30th of May, at the same city, ratifications were exchanged, and afterwards the commissioners at the city of Mexico paid over the $3,000,000 cash payment.

Treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, concluded February 2, 1848; ratifications exchanged at Queretaro, May 30, 1848; proclaimed July 4, 1848.

In the name of Almighty God:

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence wherein the two people should live, as good neighbours, have for that purpose appointed their respective plenipotentiaries, that is to say:

The President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said Republic;

Who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of peace, arranged, agreed upon, and signed the following treaty of peace, friendship, limits, and settlement between the United States of America and the Mexican Republic:

ARTICLE I. There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ART II. Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the general-in-chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ART. III. Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the commanders of their land and naval forces requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all

troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican Government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner orders shall be despatched to persons in charge of the custom-houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this treaty by the government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the city of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican Republic by the troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ART. IV. Immediately after the exchange of ratifications of the present treaty all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitively restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulation, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican Government hereby engaging, as in the foregoing article, to use all means in its power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarcation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the general-in-chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ART. V. The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called the Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "*Map of the United Mexican States, as organized and defined by various acts of the congress of said Republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Disturnell;*" of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila where it unites with the Colorado, to a point on the coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the atlas to the voyage of the schooners Sutil and Mexicana; of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two Republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with its own constitution.

ART. VI. The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or in part run upon the river Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both Republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ART. VII. The river Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two Republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favouring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either Republic within its established limits.

ART. VIII. Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with

respect to it guarantees equally ample as if the same belonged to citizens of the United States.

ART. IX. The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ART. X. [Stricken out.]

ART. XI. Considering that a great part of the territories, which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive controul of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the Government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two Republics; nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the Government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican authorities will, as far as practicable, give to the Government of the United States notice of such captures; and its agents shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the Government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And, finally, the sacredness of this obligation shall never be lost sight of by the said Government, when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ART. XII. In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

Immediately after this treaty shall have been duly ratified by the government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual instalments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican Government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.

ART. XIII. The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between the two Republics severally concluded on the eleventh day of April, eighteen hundred and thirty nine, and on the thirtieth day of January, eighteen hun-

dred and forty-three; so that the Mexican Republic shall be absolutely exempt, for the future, from all expense whatever on account of the said claims.

ART. XIV. The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ART. XV. The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one-quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive; provided that, in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favour of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners or of the claimants, any books, records, or documents, in the possession or power of the government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican minister for foreign affairs, to be transmitted by the Secretary of State of the United States; and the Mexican Government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents so specified, which shall be in their possession or power (or authenticated copies or extracts of the same), to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners; provided that no such application shall be made by or at the instance of any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

ART. XVI. Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify for its security.

ART. XVII. The treaty of amity, commerce, and navigation, concluded at the city of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ART. XVIII. All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the Government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation, which they may know of, or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ART. XIX. With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either Republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and

previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property described in the first and second rules shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals or other property exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house at such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty, or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

ART. XX. Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses, conformably with the stipulation in the third article, in such case all merchandise, effects, and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects, and property, the rules established by the preceding article shall apply.

ART. XXI. If unhappily any disagreement should hereafter arise between the governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one Republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such difference should be settled by the arbitration of commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

ART. XXII. If (which is not to be expected, and which God forbid) war should unhappily break out between the two Republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world to observe the following rules; absolutely where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

1. The merchants of either Republic then residing in the other shall be allowed to remain twelve months, (for those dwelling in the interior,) and six months, (for those dwelling at the seaports,) to collect their debts and settle their affairs; during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance, conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women

and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burnt or otherwise destroyed, nor their cattle taken, nor their fields wasted, by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties, and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement, or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished, by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party, on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute, whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and, during which, its stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ART. XXIII. This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its general Congress; and the ratifications shall be exchanged in the city of Washington, or at the seat of government of Mexico, in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits, and settlement, and have hereunto affixed our seals respectively. Done in quintuplicate, at the city of Guadalupe Hidalgo, on the second day of February, in the year of our Lord one thousand eight hundred and forty-eight.

N. P. TRIST. [L. S.]
LUIS G. CUEVAS. [L. S.]
BERNARDO COUTO. [L. S.]
MIGL. ATRISTAIN. [L. S.]

Protocol.

In the city of Queretaro, on the twenty-sixth of the month of May, eighteen hundred and forty-eight, at a conference between their excellencies Nathan Clifford and Ambrose H. Sevier, commissioners of the U. S. of A., with full powers from their Government to make to the Mexican Republic suitable explanations in regard to the amendments which the Senate and Government of the said United States have made in the treaty of peace, friendship, limits, and definitive settlement between the

two Republics, signed in Guadalupe Hidalgo, on the second day of February of the present year; and his excellency Don Luis de la Rosa, minister of foreign affairs of the Republic of Mexico; it was agreed, after adequate conversation, respecting the changes alluded to, to record in the present protocol the following explanations, which their aforesaid excellencies the commissioners gave in the name of their Government and in fulfillment of the commission conferred upon them near the Mexican Republic:

1st. The American Government by suppressing the IXth article of the treaty of Guadalupe Hidalgo and substituting the IIId article of the treaty of Louisiana, did not intend to diminish in any way what was agreed upon by the aforesaid article IXth in favor of the inhabitants of the territories ceded by Mexico. Its understanding is that all of that agreement is contained in the 3d article of the treaty of Louisiana. In consequence all the privileges and guarantees, civil, political, and religious, which would have been possessed by the inhabitants of the ceded territories, if the IXth article of the treaty had been retained, will be enjoyed by them, without any difference, under the article which has been substituted.

2d. The American Government by suppressing the Xth article of the treaty of Guadalupe did not in any way intend to annul the grants of lands made by Mexico in the ceded territories. These grants, notwithstanding the suppression of the article of the treaty, preserve the legal value which they may possess, and the grantees may cause their legitimate [titles] to be acknowledged before the American tribunals.

Conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories are those which were legitimate titles under the Mexican law in California and New Mexico up to the 13th of May, 1846, and in Texas up to the 2d March, 1836.

3d. The Government of the United States, by suppressing the concluding paragraph of article XIIth of the treaty, did not intend to deprive the Mexican Republic of the free and unrestrained faculty of ceding, conveying, or transferring at any time (as it may judge best) the sum of the twelve millions of dollars which the same Government of the U. States is to deliver in the places designated by the amended article.

And these explanations having been accepted by the minister of foreign affairs of the Mexican Republic, he declared, in name of his government, that with the understanding conveyed by them the same government would proceed to ratify the treaty of Guadalupe, as modified by the Senate and Government of the U. States. In testimony of which, their excellencies, the aforesaid commissioners and the minister have signed and sealed, in quintuplicate, the present protocol.

[SEAL.] A. H. SEVIER.
[SEAL.] NATHAN CLIFFORD.
[SEAL.] LUIS DE LA ROSA.

First and fifth articles of the unratified convention between the United States and the Mexican Republic of the 20th November, 1843, referred to in the fifteenth article of the preceding treaty.

ARTICLE I. All claims of citizens of the Mexican Republic against the Government of the United States which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the government of the Mexican Republic, which, for whatever cause, were not submitted to, nor considered, nor finally decided by, the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two commissioners shall be appointed by the President of the Mexican Republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two Republics.

ART. V. All claims of citizens of the United States against the government of the Mexican Republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

THE EVACUATION OF THE CITY OF MEXICO BY THE UNITED STATES.

At 6 o'clock a. m., June 12, 1848, the flag of the United States was taken down from the National Palace in the city of Mexico, and the colors of Mexico hoisted in their

stead, the customary honors being paid to both. The last division of the American army was withdrawn, and the occupation of Mexico by the United States was at an end. July 4, 1848, President Polk issued proclamation of the foregoing treaty.

BOUNDARIES, AREA, AND COST OF CESSION.

By this cession, the United States obtained the acknowledgment of the boundaries of Texas, annexed in 1845, and the territory west of the Rio Grande, and of a meridian north from its source to the forty-second parallel, north latitude, and lying between these boundaries and the forty-second parallel on the north, the Pacific Ocean on the west, and the national boundary on the south established by this treaty. (See Article V.) This boundary was afterward altered by the addition of the land purchased by the Gadsden treaty of 1853, and the present national boundary was established. The area of territory obtained by this treaty (exclusive of the Texas cession, in doubt as to part) was estimated at 522,568 square miles, viz:

	Square miles.
Lying now in the State of California, being the entire State	157,801
The entire State of Nevada	112,090
Arizona (except the Gadsden purchase of 1853)	82,381
New Mexico west of the Rio Grande and north of the Gadsden purchase of 1853	42,000
Utah, entire	84,476
Colorado, west of the Rocky Mountains	29,500
Wyoming, the southwest portion	14,320
In all, estimated at	522,568

Or 334,443,520 acres.

All of this became national and public domain, and the land laws of the United States were extended over it by Congress (for disposition and sale), excepting certain grants made therein by Spanish and Mexican authorities. It cost, principal sum under the treaty, $15,000,000.

The southern and western boundary of this cession is (west of Texas) the boundary of the public as well as of the national domain. The boundary lines were settled and surveyed by a joint commission. (See report in 1854–'55.)

DELIVERY OF THE CESSION.

The United States being in possession, by military force, no formal delivery of the territory was had other than by the payment of the sum stipulated and fixing and determining the boundary line.

AUTHORITIES.

See "Treaty between the United States and Mexico, Thirtieth Congress, first session, Ex. Doc. No. 52"; also, "Stocking's Areas and Political Division of the United States"; the ninth census; address by John W. Dwinnelle, San Francisco, September 10, 1866; diplomatic correspondence, United States, 1819 to 1850; treaties and conventions, United States, 1871; President's messages, 1841–1850.

TEXAS PURCHASE, DECEMBER 13, 1850.

BOUNDARIES OF TEXAS.

This was an increase to the public domain, not to the national, being already included in the national area, having been acquired by the act of annexation of Texas, March 1, 1845.

The State of Texas held, under claims of the republic of Texas which she succeeded to, title to all the land lying east of the Rio Grande River and embraced within the

limits of the Rio Grande on the west and south and the boundary between the United States and Spain under the Florida treaty of 1819 on the east, viz, the Sabine River, thence south to the Red River, thence northwest to the one hundredth meridian west of Greenwich, to the Arkansas River, thence to the source of the Arkansas River, supposed to be at or near the forty-second parallel of north latitude. These boundaries were confirmed by the Mexican treaty of 1832 with the United States.

Upon the admission of Texas by joint resolution December 29, 1845, these treaty boundaries became the boundary of the State. They were indefinite, and the resolution said: "The territory properly included within and rightfully belonging to the republic of Texas." The part of this claim now in New Mexico, all east of the Rio Grande River, Texas, tried to organize into counties under act of her legislature in January, 1849. The executive of Texas, Governor Bell, sent an agent to Santa Fé, the people of which place denied that they were within the jurisdiction of Texas.

On the 22d of September, 1847, General Stephen W. Kearney, under orders of the War Department (the United States then being at war with Mexico), having marched overland and captured the Mexican province of New Mexico, and being military governor thereof, in 1846 published a series of laws for its government. Texas had claimed all the territory east of the Rio Grande, and Mr. Marcy, Secretary of War, in a dispatch of date October 12, 1848, instructed the commanding officer at Santa Fé to respect the authority of Texas therein.

September 9, 1850, an organic act for New Mexico was passed, giving it the present eastern boundary and taking from the Texas claim about sixty-five thousand square miles of territory.

CESSION BY TEXAS.

Congress, by act of September 9, 1850, made proposals for the cession by Texas of her claim to the territory north of latitude 30° 30′ north, west of the one hundred and third meridan of longitude west from Greenwich and north of the thirty-second parallel of north latitude, and to the Rio Grande River, to the United States. Texas was to relinquish all claims against the United States for any payments or liabilities on the part of the United States for the property of the republic of Texas, surrendered by the State, which was turned over to the United States at the time of annexation, and the United States proposed to pay to the State of Texas $10,000,000 for such cession in five per cent. fourteen-year bonds.

November 25, 1850, the legislature of the State accepted, and by proclamation of the President of the United States, of date December 13, 1850, the act of Congress of September 9, 1850, was announced to be operative, and the ceded territory came under the control of the United States.

AREA AND COST OF THE PURCHASE.

The United States obtained by this cession for the public domain (estimated) 101,767 square miles of territory, being and lying in the following States and Territories:

	Square miles.
In the southwest corner of Kansas	7,766
In the southeastern corner of Colorado	18,000
In the eastern portion of the Territory of New Mexico	65,201
In the public land strip north of the Pan-Handle of Texas	10,800
Total	101,767

Or 65,130,880 acres.

Over all of the above, except the land lying in the "public land strip", and excepting certain grants therein made by the Spanish and Mexican authorities, have the public land laws of the United States, as to survey and disposition, been extended. It cost:

Principal sum, five per cent. fourteen-year bonds	$5,000,000
Interest to date of redemption	3,500,000
Act of February 28, 1855	7,500,000
Total	16,000,000

The United States assumed jurisdiction at once upon the acceptance by the State of Texas of the terms offered, and has since retained it.

PURCHASE FROM THE REPUBLIC OF MEXICO.

GADSDEN PURCHASE.

Under the administration of President Pierce, December 30, 1853, a treaty was entered into by James Gadsden, United States minister to Mexico, and Don Manuel Diez de Bonilla, secretary of state, José Salazar Ylarregui, and J. Mariano Monterde, as scientific commissioners on behalf of the Republic of Mexico, for the purchase of the tract of land now lying in the southern part of the Territories of New Mexico and Arizona, then in the Republic of Mexico and adjoining the United States south of the river Gila, and from the Rio Grande on the east to a point twenty miles below the mouth of the Gila on the west, on the Colorado River. The Gila River and branches from this point eastward was the boundary fixed by the treaty of Guadalupe Hidalgo, in 1848. This purchase was for the purpose of more correctly defining and making a more regular line and certain boundary between the United States and Mexico.

The treaty was as follows:

Treaty with Mexico. Concluded December 30, 1853; *ratifications exchanged June* 30, 1854; *proclaimed June* 30, 1854.

In the name of Almighty God.

The Republic of Mexico and the United States of America, desiring to remove every cause of disagreement which might interfere in any manner with the better friendship and intercourse between the two countries, and especially in respect to the true limits which should be established, when, notwithstanding what was covenanted in the treaty of Guadalupe Hidalgo in the year 1848, opposite interpretations have been urged, which might give occasion to questions of serious moment: To avoid these, and to strengthen and more firmly maintain the peace which happily prevails between the two Republics, the President of the United States has, for this purpose, appointed James Gadsden, envoy extraordinary and minister plenipotentiary of the same near the Mexican Government, and the President of Mexico has appointed as plenipotentiary "*ad hoc*" his excellency Don Manuel Diez de Bonilla, cavalier grand cross of the national and distinguished order of Guadalupe, and secretary of state and of the office of foreign relations, and Don José Salazar Ylarregui and General Mariano Monterde, as scientific commissioners, invested with full powers for this negotiation; who, having communicated their respective full powers, and finding them in due and proper form, have agreed upon the articles following:

ARTICLE I. The Mexican Republic agrees to designate the following as her true limits with the United States for the future: Retaining the same dividing line between the two Californias as already defined and established, according to the 5th article of the treaty of Guadalupe Hidalgo, the limits between the two Republics shall be as follows: Beginning in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, as provided in the fifth article of the treaty of Guadalupe Hidalgo; thence, as defined in the said article, up the middle of that river to the point where the parallel of 31° 47′ north latitude crosses the same; thence due west one hundred miles; thence south to the parallel of 31° 20′ north latitude; thence along the said parallel of 31° 20′ to the one hundred and eleventh meridian of longitude west of Greenwich; thence in a straight line to a point on the Colorado River twenty English miles below the junction of the Gila and Colorado rivers; thence up the middle of the said river Colorado until it intersects the present line between the United States and Mexico.

For the performance of this portion of the treaty, each of the two governments shall nominate one commissioner, to the end that, by common consent, the two thus nominated, having met in the city of Paso del Norte, three months after the exchange of the ratifications of this treaty, may proceed to survey and mark out upon the land the dividing line stipulated by this article, where it shall not have already been surveyed and established by the mixed commission, according to the treaty of Guadalupe, keeping a journal and making proper plans of their operations. For this purpose, if they should judge it necessary, the contracting parties shall be at liberty each to unite to its respective commissioner scientific or other assistants, such as astronomers and surveyors, whose concurrence shall not be considered necessary for the settlement and ratification of a true line of division between the two Republics; that line shall be alone established upon which the commissioners may fix, their consent in this particular being considered decisive and an integral part of this treaty, without necessity of ulterior ratification or approval, and without room for interpretation of any kind by either of the parties contracting.

The dividing line thus established shall, in all time, be faithfully respected by the two governments, without any variation therein, unless of the express and free con-

sent of the two, given in conformity to the principles of the law of nations, and in accordance with the constitution of each country, respectively.

In consequence, the stipulation in the 5th article of the treaty of Guadalupe upon the boundary line therein described is no longer of any force, wherein it may conflict with that here established, the said line being considered annulled and abolished wherever it may not coincide with the present, and in the same manner remaining in full force where in accordance with the same.

ART. II. The government of Mexico hereby releases the United States from all liability on account of the obligations contained in the eleventh article of the treaty of Guadalupe Hidalgo; and the said article and the thirty-third article of the treaty of amity, commerce, and navigation between the United States of America and the United Mexican States, concluded at Mexico on the fifth day of April, 1831, are hereby abrogated.

ART. III. In consideration of the foregoing stipulations, the Government of the United States agrees to pay to the government of Mexico, in the city of New York, the sum of ten millions of dollars, of which seven millions shall be paid immediately upon the exchange of the ratifications of this treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

ART. IV. The provisions of the 6th and 7th articles of the treaty of Guadalupe Hidalgo having been rendered nugatory for the most part by the cession of territory granted in the first article of this treaty, the said articles are hereby abrogated and annulled, and the provisions as herein expressed substituted therefor. The vessels and citizens of the United States shall, in all time, have free and uninterrupted passage through the Gulf of California, to and from their possessions situated north of the boundary line of the two countries. It being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government; and precisely the same provisions, stipulations, and restrictions, in all respects, are hereby agreed upon and adopted, and shall be scrupulously observed and enforced, by the two contracting governments in reference to the Rio Colorado, so far and for such distance as the middle of that river is made their common boundary line by the first article of this treaty.

The several provisions, stipulations, and restrictions contained in the 7th article of the treaty of Guadalupe Hidalgo shall remain in force only so far as regards the Rio Bravo del Norte, below the initial of the said boundary provided in the first article of this treaty; that is to say, below the intersection of the 31° 47′ 30″ parallel of latitude, with the boundary line established by the late treaty dividing said river from its mouth upwards, according to the 5th article of the treaty of Guadalupe.

ART. V. All the provisions of the eighth and ninth, sixteenth and seventeenth articles of the treaty of Guadalupe Hidalgo, shall apply to the territory ceded by the Mexican Republic in the first article of the present treaty, and to all the rights of persons and property, both civil and ecclesiastical, within the same, as fully and effectually as if the said articles were herein again recited and set forth.

ART. VI. No grants of land within the territory ceded by the first article of this treaty bearing date subsequent to the day—twenty-fifth of September—when the minister and subscriber to this treaty on the part of the United States proposed to the government of Mexico to terminate the question of boundary, will be considered valid or be recognized by the United States, or will any grants made previously be respected or be considered as obligatory which have not been located and duly recorded in the archives of Mexico.

ART. VII. Should there at any future period (which God forbid) occur any disagreement between the two nations which might lead to a rupture of their relations and reciprocal peace, they bind themselves in like manner to procure by every possible method the adjustment of every difference; and should they still in this manner not succeed, never will they proceed to a declaration of war without having previously paid attention to what has been set forth in article 21 of the treaty of Guadalupe for similar cases; which article, as well as the 22d, is here re-affirmed.

ART. VIII. The Mexican Government having on the 5th of February, 1853, authorized the early construction of a plank and rail road across the Isthmus of Tehuantepec, and, to secure the stable benefits of said transit way to the persons and merchandize of the citizens of Mexico and the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandize of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican Government. Neither passports nor

letters of security will be required of persons crossing the isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican Government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican Government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

ART. IX. This treaty shall be ratified, and the respective ratifications shall be exchanged at the city of Washington within the exact period of six months from the date of its signature, or sooner if possible.

In testimony whereof we, the plenipotentiaries of the contracting parties, have hereunto affixed our hands and seals at Mexico, the thirtieth (30th) day of December, in the year of our Lord one thousand eight hundred and fifty-three, in the thirty-third year of the Independence of the Mexican Republic, and the seventy-eighth of that of the United States.

JAMES GADSDEN. [L. S.]
MANUEL DIEZ DE BONILLA. [L. S.]
JOSÉ SALAZAR YLARREGUI. [L. S.]
J. MARIANA MONTERDE. [L. S.]

AREA AND COST OF THIS PURCHASE.

The territory thus purchased was in area (estimated) 45,535 square miles or 29,142,400 acres, and now lies 14,000 square miles (west of the Rio Grande) in the southeastern portion of the Territory of New Mexico and in the southern part of the Territory of Arizona, south of the river Gila, running across the entire Territory from the western boundary line of New Mexico to the Gila River on the west, and containing in area (estimated) 31,500 square miles. This land is now under the land laws of the United States and is subject to disposition and sale, excepting certain grants made therein by Spanish or Mexican authorities.

The United States Government paid the Republic of Mexico for this cession $10,000,-000; $7,000,000 was paid immediately after the ratification of the treaty, and $3,000,000 in 1856, after the boundary commission surveyed and marked the boundary line, which was completed in 1855–'56. The tract embraces a large part of the Mesilla Valley in New Mexico. The entire area of this purchase became national as well as public domain.

TRANSFER.

There was no formal transfer of this ceded territory to the United States other than fixing and determining the boundary line. (See Reports of Boundary Commission, 1854–'55.)

THE PURCHASE OF ALASKA FROM RUSSIA.

The purchase of Alaska from Russia, March 30, 1867, was the last of the treaties of purchase of territory, and added to and completed our present national and public domain.

RUSSIA'S CLAIM TO THE TERRITORY, AND ITS BOUNDARIES.

Russia claimed this territory by discovery. Captain Behring, who was sent out in 1733 by Empress Ann, discovered the mainland of North America in latitude 58° 28′, on the 18th of July, 1741. His colleague, Captain Tschirikow, being separated from him in a storm, sighted the same coast in latitude 56°, on the 15th of July, 1741, while Behring sailed up the coast, discovering many of the islands of the Aleutian Archipelago, some of which, however, he had seen during his previous voyage in 1728. The coast of British Columbia was discovered in 1790 by Vancouver, upon the strength of

which England claimed its sovereignty. The discovery of the coast of Oregon by Captain Gray, in the same year, formed the basis of a claim of our Government to the sovereignty of the whole coast, at least as far north as the Russian discoveries. The line separating us from those discoveries was fixed as the parallel of 54° 40′ in the treaty concluded at St. Petersburg, April 17-5, 1824, between Henry Middleton on behalf of the United States and Le Comte Charles de Nesselrode and Pierre de Poletica on behalf of the Emperor Nicholas.

This was settled by the following article:

ART. III. It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the northwest coast of America, nor in any of the islands adjacent, to the north of 54° 40′ of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

The territory between that parallel and 49° was recognized as belonging to the English, by virtue of Vancouver's discoveries. North of 54° 40′ the claim of Russia seems never to have been questioned.

Great Britain, February 28-16, 1825, made a treaty with Russia recognizing the boundaries of the Russian claim for Alaska. This boundary, 54° 40′ north latitude, conceded to Russia as the southern boundary of her territorial claim on the Pacific Coast, with the claim and rights of Spain to the territory adjoining on the south, sold to the United States in 1819, together with our claim of discovery by Captain Gray in 1790 to the whole coast to the southern line of the Russian possessions, formed the basis of the claim of the United States to the territory of Oregon, to the line of 54° 40′ north latitude.

The treaty of June 15, 1846, between the United States and Great Britain, forced the United States to withdraw this claim, and the intermediate country between 49° and 54° 40′ north latitude went to Great Britain under Vancouver's claim of prior discovery in 1790, the parallel 49° north latitude becoming the northern boundary line of the United States on the Pacific slope.

NEGOTIATIONS FOR PURCHASE.

Alaska was offered to the United States for a pecuniary consideration during the Crimean war in 1854, by Baron Stoeckl, Russian envoy at Washington, but this offer was declined by the Pierce administration. During the administration of President Buchanan, unofficial negotiations were set on foot by our Cabinet for the purchase of Alaska, the sum of $5,000,000 being named as the price, but significant intimations were received that Russia expected a higher price. The legislature of Washton Territory, in January, 1866, memorialized the President in behalf of the immediate acquisition of the Russian territories of North America. A strong pressure was brought to bear upon both the legislative and executive departments of the General Government. When the fact became generally known that the lease of the franchises of the Russo-American Fur Company by the Hudson Bay Company would expire in June, 1867, and would probably be renewed unless we acquired the territory in the meanwhile, the anxiety for the measure increased. Formal negotiations were entered into between Baron Stoeckl, the Russian minister at Washington, and Hon. W. H. Seward, Secretary of State, resulting in the formation of the treaty of April 30, 1867, the signatures of the plenipotentiaries being affixed at 4 o'clock on the morning of that day.

Convention for the cession of the Russian possessions in North America to the United States. Concluded March 30, 1867; *ratifications exchanged June* 20, 1867; *proclaimed June* 20, 1867.

The United States of America and his majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their plenipotentiaries, the President of the United States, William H. Seward, Secretary of State; and his majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his envoy extraordinary and minister plenipotentiary to the United States;

And the said plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I. His majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28–16, 1825, and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133d degree of west longitude (meridian of Greenwich), the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude, (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st. That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession to the United States).

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned, (that is to say, the limit to the possessions ceded by this convention), shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed are contained passes through a point in Behring's Straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group, in the North Pacific Ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

ART. II. In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian Government, shall remain the property of such members of the Greek Oriental Church resident in the territory as may choose to worship therein. Any government archives, papers, and documents relative to the territory and dominion aforesaid, which may now be existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian Government, or to such Russian officers or subjects as they may apply for.

ART. III. The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

ART. IV. His majesty, the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents, appointed on behalf of the United States, the territory, dominion, property, dependencies, and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of im-

mediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ART. V. Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ART. VI. In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property-holders; and the cession hereby made conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ART. VII. When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and, on the other, by his majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

WILLIAM H. SEWARD. [L. S.]
EDOUARD DE STOECKL. [L. S.]

THE TRANSFER OF ALASKA TO THE UNITED STATES.

Message from the President of the United States, in relation to the transfer of Alaska Territory from Russia to the United States.

To the Senate and House of Representatives:

I transmit a report from Secretary of State, and the documents to which it refers, in relation to the formal transfer of territory from Russia to the United States, in accordance with the treaty of the 30th of March last.

ANDREW JOHNSON.

WASHINGTON, *January* 27, 1868.

To the President:

The Secretary of State has the honor to lay before the President a copy of a correspondence between the Secretary and General Lovell H. Rousseau, and papers accompanying the same, concerning the transfer of the Territory of Alaska to the United States.

Respectfully submitted.

WILLIAM H. SEWARD.

DEPARTMENT OF STATE,
Washington, January 27, 1868.

Mr. Seward to General Rousseau.

DEPARTMENT OF STATE,
Washington, August 7, 1867.

GENERAL: You will herewith receive the warrant of the President, under the great seal of the United States, appointing you commissioner on behalf of this Government, to receive from a similar officer appointed on behalf of the Imperial Government of Russia the territory ceded by that government to the United States, pursuant to the treaty of the 30th of March last. You will consequently enter into communication with Captain Pestchouroff, the Russian commissioner, now here, and arrange with him in regard to proceeding, as soon as may be convenient, to the territory referred to, in order that your commission may be fulfilled.

On arriving at Sitka, the principal town in the ceded territory, you will receive from the Russian commissioner the formal transfer of that territory, under mutual national salutes from artillery, in which the United States will take the lead.

Pursuant to the stipulations of the treaty, that transfer will include all forts and military posts, and public buildings, such as the governor's house and those used for government purposes; dockyards, barracks, hospitals and schools; all public lands, and all ungranted lots of ground at Sitka and Kodiak. Private dwellings and warehouses, blacksmiths', joiners', coopers', tanners', and other similar shops, ice-houses, flour and saw mills, and any small barracks on the island, are subject to the control of their owners, and are not to be included in the transfer to the United States.

The respective commissioners, after distinguishing between the property to be transferred to the United States and that to be retained by individuals, will draw up and sign full inventories of the same in duplicate. In order, however, that the said individual proprietors may retain their property as aforesaid, or if they should so prefer may dispose of the same, you will, upon the production of the proper documentary or other proof of ownership, furnish the said proprietors with a certificate of their right to hold the same.

In accordance with the stipulations of the treaty, the churches and chapels in the ceded territory will continue to be the property of the members of the Greco-Russian church. Any houses and lots which may have been granted to those churches will also remain their property.

As it is understood that the Russian American Company possess, in that quarter, large stores of furs, provisions, and other goods now at Sitka, Kodiak, and elsewhere on the mainland and on the island, it is proper that that company should have a reasonable time to collect, sell, or export that property. For that purpose the company may leave in the territory an agent or agents for the purpose of closing their business. No taxes will be levied on the property of the company now in the territory, until Congress shall otherwise direct.

It is expected that, in the transaction of the important business hereby intrusted to you, it will be borne in mind that, in making the cession of the territory referred to, his Imperial Majesty the Emperor of all the Russias has been actuated by a desire of giving a signal proof of that friendship for the United States which has characterized his own reign and that of his illustrious predecessors. It is hoped, therefore, that all your intercourse with the Russian commissioner will be friendly, courteous, and frank.

This department understands from the President that, upon the conclusion of the business with the Russian commissioner, you will have command in the territory, to be exercised under the orders of the War Department.

I am, general, your obedient servant,

WILLIAM H. SEWARD.

Brig. Gen. LOVELL H. ROUSSEAU.

Mr. Seward to General Rousseau.

DEPARTMENT OF STATE,
Washington, January 24, 1868.

GENERAL: I have had the honor to receive the report which, on the 5th of December last, you transmitted to me, of the execution of the agency confided to you for receiving the formal transfer of the Territory of Alaska.

The report was accompanied by a certificate mutually executed and delivered on the 26th of October last, between yourself and Alexis Pestchourof, Russian commissioner; an inventory of the property belonging to the Greco-Russian church at Sitka; a list of the names of persons holding property in fee-simple in the city of Sitka; an inventory of private property in the city of Sitka; an inventory of forts and public buildings in the island of Kodiak; a letter of the Russian commissioner to yourself, written on the 26th of October; a map of the city of Sitka; and the United States flag which was used by you on the occasion of the transfer.

The proceedings referred to have been submitted to the President, and I am directed to acknowledge the reception of the papers, and to communicate to you the President's satisfaction with the manner in which your important and delicate trust was executed.

I have the honor to be, general, your obedient servant,

WILLIAM H. SEWARD,
Secretary of State.

Maj. Gen. LOVELL H. ROUSSEAU,
Headquarters Department of the Columbia, Portland, Oregon.

Brigadier-General Rousseau to Mr. Seward.

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oregon, December 5, 1867.

SIR: I have the honor to report that, on the receipt from you of my appointment by the President as United States commissioner to receive the formal transfer of the Territory of Alaska, and also your instructions touching that transfer, I repaired at once to New York to make the necessary preparation to sail on the 21st of August, but on reaching that city I found it impossible to get off on that day.

I sought and obtained at once an interview with Baron Stoeckl, the Russian minister, and Captain Pestchouroff, of the Russian imperial navy, and Captain Koskul, representing the Russian American Company; and it was arranged that we should sail from New York on the 31st of August, and we accordingly sailed on that day, via Panama, reaching San Francisco, California, on the 22d of September. As we entered the harbor of San Francisco the batteries of the forts fired a salute.

On reaching San Francisco, we found the preparations for taking military possession of the new Territory completed by Major-General Halleck, who had ships laden with supplies for the troops, and transportation all ready for the troops themselves to Sitka.

Admiral Thatcher, also, had provided transportation for the commissioners on the propeller man-of-war Ossipee, Captain Emmons commanding. Returning the admiral's call, visiting him on board his flag-ship Pensacola, the commissioners received a salute of her batteries.

Hastening in preparation, we took our departure for Sitka on the morning of the 27th of September.

When we set sail we intended to go directly by the open sea to New Archangel, but after three or four days, during which the sea was very rough, with little or no wind, and making very slow progress, we concluded to go by way of Victoria and the straits, thus taking the inland passage. The troops and supplies had preceded us a day or two from San Francisco, and as they could not land at Sitka before we reached there, it was thought best to take the inland route in order to insure our arrival at the latter place certainly within a reasonable time. This we could not do in the open sea, as it was quite rough, and what wind we had or expected to have in October and till the middle of November was from the northwest (a head wind for us).

Our ship was very slow, and with a head wind or rough sea made not more than two to four knots an hour. The winds in the Northern Pacific, from May to November inclusive, are from the northwest generally, and the balance of the year from the southeast. Besides, I suffered greatly from sea-sickness, followed by what I feared was congestive chills, and sought to avoid this suffering by taking the inland passage.

We reached Esquimalt, Vancouver's Island, on the night of the 4th of October, took in a supply of coal, and steamed for Sitka on the morning of the 6th. After a pleasant passage, taking it altogether, we cast anchor in the harbor of New Archangel on the 18th of October, at eleven o'clock a. m., where we found the troops and supplies had preceded us several days. The day was bright and beautiful. We landed immediately, and fixed the hour of three and a half o'clock that day for the transfer, of which General Jeff. C. Davis, commanding the troops there; Captain Emmons, United States ship Ossipee; Captain McDougall, United States ship Jamestown; Captain Bradford, United States ship Resaca, and the officers of their respective commands, as also the governor of the Territory, the Prince Maksoutoff, were notified and invited to be present.

The command of General Davis, about two hundred and fifty strong, in full uniform, armed and handsomely equipped, were landed about three o'clock, and marched up to the top of the eminence on which stands the governor's house, where the transfer was to be made. At the same time a company of Russian soldiers were marched to the ground, and took their place upon the left of the flag-staff, from which the Russian flag was then floating. The command of General Davis was formed under his direction on the right.

The United States flag to be raised on the occasion was in care of a color-guard—a lieutenant, a sergeant, and ten men of General Davis's command.

The officers above named, as well as the officers under their command, the Prince Maksoutoff, and his wife the Princess Maksoutoff, together with many Russian and American citizens, and some Indians, were present.

The formation of the ground, however, was such as to preclude any considerable demonstration.

It was arranged by Captain Pestchouroff and myself that, in firing the salutes on the exchange of flags, the United States should lead off, in accordance with your instructions, but that there should be alternate guns from the American and Russian batteries, thus giving the flag of each nation a double national salute, the national salute being thus answered in the moment it was given. The troops, being promptly formed, were, at precisely half past three o'clock, brought to a present arms, the signal

given to the Ossipee, (Lieutenant Crossman, executive officer of the ship, and for the time in command), which was to fire the salute, and the ceremony was begun by lowering the Russian flag. As it began its descent down the flag-staff the battery of the Ossipee, with large nine-inch guns, led off in the salute, peal after peal crashing and re-echoing in the gorges of the surrounding mountains, answered by the Russian water battery (a battery on the wharf), firing alternately. But the ceremony was interrupted by the catching of the Russian flag in the ropes attached to the flag-staff. The soldier who was lowering it, continuing to pull at it, tore off the border by which it was attached, leaving the flag entwined tightly around the ropes. The flag-staff was a native pine, perhaps ninety feet in height. In an instant the Russian soldiers, taking different shrouds attached to the flag-staff, attempted to ascend to the flag, which, having been whipped around the ropes by the wind, remained tight and fast. At first (being sailors as well as soldiers) they made rapid progress, but laboring hard, they soon became tired, and when half-way up scarcely moved at all, and finally came to a stand-still. There was a dilemma; but in a moment a "boatswain's chair," so called, was made by knotting a rope to make a loop for a man to sit in and be pulled upward, and another Russian soldier was quickly drawn up to the flag. On reaching it he detached it from the ropes, and not hearing the calls from Captain Pestchouroff below to "bring it down," dropped it below, and in its descent it fell on the bayonets of the Russian soldiers.

The United States flag (the one given to me for that purpose, by your direction, at Washington) was then properly attached and began its ascent, hoisted by my private secretary, George Lovell Rousseau, and again the salutes were fired as before, the Russian water battery leading off. The flag was so hoisted that in the instant it reached its place the report of the last big gun of the Ossipee reverberated from the mountains around. The salutes being completed, Captain Pestchouroff stepped up to me and said: "General Rousseau, by authority from His Majesty the Emperor of Russia, I transfer to the United States the Territory of Alaska," and in as few words I acknowledged the acceptance of the transfer, and the ceremony was at an end. Three cheers were then spontaneously given for the United States flag by the American citizens present, although this was no part of the programme, and on some accounts I regretted that it occurred.

Captain Pestchouroff, the governor, and myself, on the Monday following, went to work to distinguish between the public and private buildings in the town of New Archangel, and giving certificates to private individual owners of property there.

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All the buildings in any wise used for public purposes were delivered to the United States commissioner, taken possession of, and turned over to General Davis, as were also the public archives of the Territory; and in a spirit of liberality the wharf and several valuable warehouses belonging to the Russian-American Company were included in the transfer by the Russian commissioner. Both the wharf and the warehouses were very much needed by our people.

We could not visit Kodiak, or any other point in the new Territory, as the season in which we might expect stormy weather was rapidly approaching.

For the further action of the commissioners, in the execution of their commission, your attention is respectfully called to the protocol, map, and inventories accompanying this report. With this report and accompanying papers I return to you the United States flag used on the occasion of the transfer of the Territory.

In your instructions, both written and verbal, you were somewhat particular to impress me with your desire that all the intercourse between the Russian and American commissioners should be liberal, frank, and courteous; and I am pleased to say, that from the meeting of Captain Pestchouroff and myself in your office till we parted after our work was ended, all our communication and association with each other, personal and official, were of the friendliest character, and just such as I am sure you desired.

* * * * * * *

Hoping that the President and yourself will be satisfied with my efforts to discharge the duty assigned me, in accordance with instructions given for my guidance, and that the new Territory may prove as valuable an acquisition to our country as you would desire it,

I have the honor to be your very obedient servant,

LOVELL H. ROUSSEAU,
United States Commissioner, and Brigadier-General U. S. A.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Here followed inventories and schedules of public and private property in New Archangel, Sitka.]

AREA AND COST OF THE PURCHASE.

This purchase cost the United States $7,200,000, and added to the national and public domain an area of 577,390 square miles, as estimated, or 369,529,600 acres—all lying in Alaska, and subject to disposition and control by the Congress of the United States, excepting certain grants made by the Russian Government. The land laws of the United States have not as yet been extended over Alaska, and although public domain, it is not yet open to settlement under United States land laws, because the lands have not yet been opened for settlement or surveyed by order of Congress (which is the first step after the Indian title is extinguished), and after this, Congress, by law, directs how, when, and by what system the lands may be disposed of.

AUTHORITIES.

See "Treaties and Conventions," July 4, 1776, to July 21, 1871; also, H. Ex. Doc. No. 125, second session Fortieth Congress; Message from the President of the United States in relation to the transfer of territory from Russia to the United States.

CHAPTER V.

THE ORDINANCE OF 1787.—NORTHWEST AND SOUTHWESTERN TERRITORIES.

GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO.

CLAIM OF VIRGINIA AND NEW YORK TO THE LANDS THEREIN.

The entire territory east of the Mississippi River, north of the Ohio River, and west of the State of Pennsylvania, which had, prior to the Revolutionary War, been subject to the jurisdiction of the Province of Quebec, was claimed by the State of Virginia at and prior to March 1, 1774, the date of her first cession to the confederated government. She was in possession of the French settlements of Vincennes and Illinois, which she had occupied and defended during the Revolutionary War.

The first charter of Virginia (James I., April 10, 1606) extended along the sea-coast from the thirty-fourth degree to the forty-first degree of north latitude, but only fifty miles inland.

By the second charter for Virginia (James I., May 23, 1609) the limits of the colony were extended so as to embrace "the whole sea-coast, north and south, within two hundred miles of old Point Comfort, extending from sea to sea west and northwest, and also all the islands within one hundred miles along the coast of both seas of the precinct aforesaid," evidently meaning the Atlantic and Pacific Oceans.

The third charter, dated March 12, 1612, annexed to Virginia all the islands within 300 leagues of the coast. Those three charters were vacated by *quo warranto* before the 15th of July, 1624, on which day a commission issued for the government of Virginia, without making, however, any alteration in the boundaries established by the second charter. The colony was afterwards curtailed on the north by the grants to Lord Baltimore and to William Penn, and on the south by that to the proprietors of Carolina.

CLAIM OF NEW YORK CEDED.

New York, prior to the cession by Virginia, having conveyed to the United States, March 1, 1781, her claims to this territory, being titles derived from treaties and purchases from the Six Nations of Indians, the Congress of the Confederation passed the resolution for the government of the western territory, April 23, 1784. This left Connecticut and Massachusetts the only States that had or laid any claims to the territory north of the river Ohio and west of Pennsylvania. The cessions of those States to the United States, and the further confirmatory cession by Virginia in 1788, gave to the United States an indisputable title to the public lands within that territory as far west as the river Mississippi, which, by the treaty of Paris between George III. of Great Britain and the King of Spain, February 10, 1763, had been established as the boundary between the British possessions in America and the province of Louisiana.

ACTION OF THE CONGRESS OF THE CONFEDERATION ON THE NEW YORK AND VIRGINIA CESSIONS, 1784.

The territory ceded by Virginia to the United States, March 1, 1784, became the subject of legislation on the part of the Congress of the Confederation, beginning on the day of cession.

On the 1st of March, 1784, a committee, consisting of Mr. Jefferson, of Virginia, Mr. Chase, of Maryland, and Mr. Howell, of Rhode Island, submitted to Congress the following plan for the temporary government of the Western Territory:

The committee appointed to prepare a plan for the temporary government of the Western Territory have agreed to the following resolutions:

Resolved, That the Territory ceded or to be ceded by individual States to the United States, whensoever the same shall have been purchased of the Indian inhabitants and offered for sale by the United States, shall be formed into additional States, bounded in the following manner, as nearly as such cessions will admit; that is to say northwardly and southwardly by parallels of latitude, so that each State shall comprehend, from south to north, two degrees of latitude, beginning to count from the completion of thirty-one degrees north of the equator; but any territory northwardly of the 47th degree shall make part of the State next below. And eastwardly and westwardly they shall be bounded, those on the Mississippi, by that river on one side and the meridian of the lowest point of the rapids of the Ohio on the other; and those adjoining on the east, by the same meridian on their western side, and on their eastern by the meridian of the western cape of the mouth of the Great Kanawha. And the territory eastward of this last meridian, between the Ohio, Lake Erie and Pennsylvania, shall be one State.

That the settlers within the territory so to be purchased and offered for sale, shall, either on their own petition, or the order of Congress, receive authority from them, with appointments of time and place, for their free males, of full age, to meet together, for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of these States, so that such laws nevertheless shall be subject to alteration by their ordinary legislature, and to erect, subject to a like alteration, counties or townships for the election of members for their legislature.

That such temporary government shall only continue in force in any State until it shall have acquired 20,000 free inhabitants, when, giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves.

Provided, That both the temporary and permanent government be established on these principles as their basis:

1. That they shall forever remain a part of the United States of America.

2. That in their persons, property, and territory they shall be subject to the Government of the United States in Congress assembled, and to the Articles of Confederation in all those cases in which the original States shall be so subject.

3. That they shall be subject to pay a part of the federal debts contracted or to be contracted, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on other States.

4. That their respective governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title.

5. That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

That whensoever any of the said States shall have of free inhabitants as many as shall then be in any one of the least numerous of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original States, after which the assent of two-thirds of the United States, in Congress assembled, shall be requisite in all those cases wherein, by the confederation, the assent of nine States is now required; provided the consent of nine States to such admission may be obtained according to the 11th of the Articles of Confederation. Until such admission by their delegates into Congress any of the said States, after the establishment of their temporary government, shall have authority to keep a sitting member in Congress, with a right of debating, but not voting.

That the territory northward of the 45th degree, that is to say, of the completion of 45 degrees from the equator, and extending to the Lake of the Woods, shall be called *Sylvania*; that of the territory under the 45th and 44th degrees, that which lies westward of Lake Michigan shall be called *Michigania*; and that which is eastward thereof within the peninsula formed by the lakes and waters of Michigan, Huron, St. Clair and Erie shall be called *Cherronesus*, and shall include any part of the peninsula which

may extend above the 45th degree. Of the territory under the 43d and 45th degrees, that to the westward, through which the Assenippi or Rock River runs, shall be called *Assenisipia;* and that to the eastward, in which are the fountains of the Muskingum, the two Miamies of Ohio, the Wabash, the Illinois, the Miami of the Lake, and the Sandusky rivers, shall be called *Metropotamia.* Of the territory which lies under the 39th and 38th degrees, to which shall be added so much of the point of land within the fork of the Ohio and Mississippi as lies under the 37th degree, that to the westward within and adjacent to which are the confluences of the rivers Wabash, Shawnee, Tamsee, Ohio, Illinois, Mississippi, and Missouri shall be called *Polypotamia;* and that to the eastward farther up the Ohio, shall be called *Polisipia.*

This report was recommitted to the same committee on the 17th of March and a new one was submitted on the 22d of the same month. The second report agreed in substance with the first. The principal difference was the omission of the paragraph giving names to the States to be formed out of the Western Territory. It was taken up for consideration by Congress on the 19th of April, on which day, on the motion of Mr. Spaight, of North Carolina, the following clause was stricken out of the report:

That after the year 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in the punishment of crimes whereof the party shall have been duly convicted to have been personally guilty.

On the adoption of this proviso Maryland, Virginia, South Carolina voted "no." Massachusetts, Rhode Island, Connecticut, New Hampshire, New York, and Pennsylvania voted "aye." North Carolina was divided. Georgia, Delaware, and New Jersey were absent. Failing to receive a majority (seven) of the States for its retention, it failed.

The report was further considered and amended on the 20th and 21st. On the 23d it was agreed to (ten States voting "aye" and one "no"), without the clause prohibiting slavery and involuntary servitude after the year 1800. On the question to agree to the report, after the prohibitory clause was struck out, the yeas and nays were required by Mr. Beresford. The vote was:

Ayes—New Hampshire, Mr. Foster, Mr. Blanchard; Massachusetts, Mr. Gerry, Mr. Partridge; Rhode Island, Mr. Ellery, Mr. Howell; Connecticut, Mr. Sherman, Mr. Wadsworth; New York, Mr. Dewitt, Mr. Payne; New Jersey, Mr. Beatty, Mr. Dick; Pennsylvania, Mr. Mifflin, Mr. Montgomery, Mr. Hand; Maryland, Mr. Stone, Mr. Chase; Virginia, Mr. Jefferson, Mr. Mercer, Mr. Monroe; North Carolina, Mr. Williamson, Mr. Spaight.

Nays—South Carolina, Mr. Read, Mr. Beresford.

Absent—Delaware, Georgia.

RESOLUTIONS FOR THE GOVERNMENT OF THE WESTERN TERRITORY, PASSED APRIL 23, 1784.

Resolved, That so much of the territory ceded or to be ceded by individual States to the United States, as is already purchased or shall be purchased of the Indian inhabitants, and offered for sale by Congress, shall be divided into distinct States in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each State shall comprehend from north to south two degrees of latitude, beginning to count from the completion of forty-five degrees north of the equator; and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the Great Kanhaway; but the territory eastward of this last meridian, between the Ohio, Lake Erie, and Pennsylvania, shall be one State, whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree, between the said meridians, shall make part of the State adjoining it on the south; and that part of the Ohio, which is between the same meridians, coinciding nearly with the parallel of 39 degrees, shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased and offered for sale, shall, either on their own petition or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age, within the limits of their State, to meet together, for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original States; so that such laws, nevertheless, shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties, townships, or other divisions, for the election of members for their legislature.

That when any such State shall have acquired twenty thousand free inhabitants, on

giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves: *Provided*, That both the temporary and permanent governments be established on these principles as their basis:

1. That they shall forever remain a part of this confederacy of the United States of America.

2. That they shall be subject to the Articles of Confederation in all those cases in which the original States shall be so subject, and to all the acts and ordinances of the United States in Congress assembled, conformable thereto.

3. That they, in no case, shall interfere with the primary disposal of the soil by the United States in Congress assembled, nor with the ordinances and regulations which Congress may find necessary for securing the title in such soil to the bona-fide purchasers.

4. That they shall be subject to pay a part of the federal debts contracted, or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

5. That no tax shall be imposed on lands the property of the United States.

6. That their respective governments shall be republican.

7. That the lands of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new State, before the admission thereof to a vote by its delegates in Congress.

That whensoever any of the said States shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original States; provided the consent of so many States in Congress is first obtained as may, at the time, be competent to such admission. And in order to adapt the said Articles of Confederation to the state of Congress when its numbers shall be thus increased, it shall be proposed to the legislatures of the States, originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled, in all those cases wherein, by the said articles, the assent of nine States is now required, which, being agreed to by them, shall be binding on the new States. Until such admission by their delegates into Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a member in Congress, with a right of debating, but not of voting.

That measures, not inconsistent with the principles of the confederation, and necessary for the preservation of peace and good order among the settlers in any of the said new States, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in Congress assembled.

That the preceding articles shall be formed into a charter of compact; shall be duly executed by the President of the United States in Congress assembled, under his hand, and the seal of the United States; shall be promulgated; and shall stand as fundamental constitutions between the thirteen original States, and each of the several States now newly described, unalterable from and after the sale of any part of the territory of such State, pursuant to this resolve, but by the joint consent of the United States in Congress assembled, and of the particular State within which such alteration is proposed to be made.

Thus the substance of the report of Mr. Jefferson of a plan for the government of the Western Territory (without restrictions as to slavery) became a law, and remained so during 1784 to 1787, when these resolutions were repealed in terms by the passage of the ordinance for the government of the "Territory of the United States northwest of the river Ohio."

PRELIMINARY ACTION ON THE ORDINANCE OF 1787.

In Congress, March 16, 1785, a motion was made by Mr. King, seconded by Mr. Ellery, that the following proposition be committed:

That there shall be neither slavery nor involuntary servitude in any of the States described in the resolve of Congress of the 23d of April, 1784, otherwise than in the punishment of crimes, whereof the party shall have been personally guilty; and that this regulation shall be an article of compact, and remain a fundamental principle of the Constitution between the thirteen original States, and each of the States described in the said resolve of the 23d of April, 1784.

The motion was, "that the following proposition be committed"—that is, committed to a committee of the whole House. It was a separate, independent proposition. The terms of it show that it was offered as an addition to the resolve of April 23, 1784, with the intention of restoring to that resolve a clause that had originally formed part of it.

Mr. King's motion to commit was agreed to; eight States (New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Maryland) voted in the affirmative, and three States (Virginia, North Carolina, and South Carolina) in the negative. Neither Delaware nor Georgia was represented.

After the commitment of this proposition, it was neither called up in Congress nor noticed by any of the committees who subsequently reported plans for the government of the Western Territory.

The subject was not laid over from this time till September, 1786. It is noticed as being before Congress on the 24th of March, the 10th of May, the 13th of July, and the 24th of August, of that year.

On the 24th of March, 1786, a report was made by the grand committee of the House, to whom had been referred a motion of Mr. Monroe upon the subject of the Western Territory.

On the 10th of May, 1786, a report was made by another committee, consisting of Mr. Monroe, of Virginia, Mr. Johnson, of Connecticut, Mr. King, of Massachusetts, Mr. Kean, of South Carolina, and Mr. Pinckney, of South Carolina, to whom a motion of Mr. Dane, for considering and reporting the form of a temporary government for the Western Territory, was referred. This report, after amendments, was recommitted on the 13th of July following.

On the 24th of August, 1786, the secretary of Congress was directed to inform the inhabitants of Kaskaskia "that Congress have under their consideration the plan of a temporary government for the said district, and that its adoption will be no longer protracted than the importance of the subject and a due regard to their interest may require."

On the 19th of September, 1786, a committee consisting of Mr. Johnson, of Connecticut, Mr. Pinckney, of South Carolina, Mr. Smith, of New York, Mr. Dane, of Massachusetts, and Mr. Henry, of Maryland, appointed to prepare a "plan of temporary government for such districts or new States as shall be laid out by the United States upon the principles of the acts of cession from individual States, and admitted into the confederacy," made a report, which was taken up for consideration on the 29th, and, after some discussion and several motions to amend, the further consideration was postponed.

On the 26th of April, 1787, the same committee (Mr. Johnson, Mr. Pinckney, Mr. Smith, Mr. Dane, and Mr. Henry) reported "An ordinance for the government of the Western Territory." It was read a second time, and amended on the 9th of May, when the next day was assigned for the third reading. On the 10th the order of the day for the third reading was called for by the State of Massachusetts, and was postponed. On the 9th and 10th of May, Massachusetts was represented by Mr. Gorham, Mr. King, and Mr. Dane. The proposition which, on Mr. King's motion, was "committed" on the 16th of March of the preceding year, was not in the ordinance as reported by the committee, nor was any motion made in the Congress to insert it as an amendment.

The following is a copy of the ordinance, as amended, and ordered to a third reading:

AN ORDINANCE for the government of the Western Territory.

It is hereby ordained by the United States, in Congress assembled, That there shall be appointed from time to time, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress.

There shall be appointed by Congress from time to time, a secretary, whose commission shall continue in force for four years, unless sooner revoked by Congress. It shall be his duty to keep and preserve the acts and laws passed by the general assembly, and public records of the district, and of the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings every six months to the Secretary of Congress.

There shall also be appointed a court, to consist of three judges, any two of whom shall form a court, who shall have a common law jurisdiction, whose commissions shall continue in force during good behavior.

And to secure the rights of personal liberty and property to the inhabitants and others, purchasers in the said district, it is hereby ordained that the inhabitants of such districts shall always be entitled to the benefits of the act of *habeas corpus*, and of the trial by jury.

The governor and judges, or a majority of them, shall adopt, and publish in the district, such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time, which shall prevail in said district until the organization of the general assembly, unless disapproved by Congress; but afterwards the general assembly shall have authority to alter them as they shall think fit: *Provided, however*, That said assembly shall have no power to create perpetuities.

The governor for the time being shall be commander-in-chief of the militia, and appoint and commission all officers in the same below the rank of general officer. All officers of that rank shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers in each county or township, as he shall find necessary for the preservation of peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

The governor shall, as soon as may be, proceed to lay out the district into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature, as soon as there shall be five thousand free male inhabitants of full age within the said district. Upon giving due proof thereof to the governor, they shall receive authority, with time and place to elect representatives from their counties or townships as aforesaid, to represent them in general assembly, provided that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature, provided that no person shall be eligible or qualified to act as a representative unless he shall be a citizen of one of the United States, or have resided within the district three years, and shall likewise hold, in his own right in fee-simple, two hundred acres of land within the same: *Provided, also*, That a freehold or life estate in fifty acres of land, in the said district, of a citizen of any of the United States, and two years' residence, if a foreigner, in addition shall be necessary to qualify a man as elector for said representatives.

The representatives thus elected shall serve for the term of two years; and in the case of the death of a representative or removal from office, the governor shall issue a writ to the county, or township for which he was a member, to elect another in his stead, to serve during the residue of the time.

The general assembly shall consist of the governor, a legislative council—to consist of five members, to be appointed by the United States, in Congress assembled, to continue in office during pleasure, any three of whom to be a quorum—and a house of representatives, who shall have a legislative authority, complete in all cases for the good government of said district: *Provided*, That no act of the said general assembly shall be construed to affect any lands the property of the United States: *And provided further*, That the lands of the non-resident proprietors shall in no instance be taxed higher than the lands of residents.

All bills shall originate indifferently either in the council or house of representatives, and having been passed by a majority in both houses, shall be referred to the governor for his assent, after obtaining which, they shall be complete and valid; but no bill or legislative act, whatever, shall be valid, or of any force, without his assent.

The governor shall have power to convene, prorogue, and dissolve the general assembly, when in his opinion it shall be expedient.

The said inhabitants or settlers shall be subject to pay a part of the Federal debts contracted, or to be contracted, and to bear a proportional share of the burdens of the government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

The governor, judges, legislative council, secretary, and such other officers as Congress shall at any time think proper to appoint in such district, shall take an oath or affirmation of fidelity; the governor before the President of Congress, and all other officers before the governor, prescribed on the 27th day of January, 1785, to the Secretary of War, *mutatis mutandis*.

Whensoever any of the said States shall have of free inhabitants as many as are equal in number to the one-thirteenth part of the citizens of the original States, to be computed from the last enumeration, such State shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original

States, provided the consent of so many States in Congress is first obtained as may at that time be competent to such admission.

Resolved, That the resolutions of the 23d of April, 1784, be, and the same are hereby annulled and repealed.*

Such was the ordinance for the government of the Western Territory when it was ordered to a third reading on the 10th of May, 1787. It had then made no further progress in the development of those great principles for which it has since been distinguished as one of the greatest monuments of civil jurisprudence. It made no provision for the equal distribution of estates. It said nothing of extending the fundamental principles of civil and religious liberty; nothing of the rights of conscience, knowledge, or education. It did not contain the articles of compact which were to remain unaltered forever unless by common consent.

We now come to the time when these great principles were first brought forward.

On the 9th of July, 1787, ordinances were again referred. The committee now consisted of Mr. Carrington, of Virginia; Mr. Dane, of Massachusetts; Mr. R. H. Lee, of Virginia; Mr. Kean, of South Carolina; and Mr. Smith, of New York. Mr. Carrington, Mr. Lee, and Mr. Kean, the new members, were a majority.

This committee did not merely revise the ordinance; they prepared and reported the great Bill of Rights for the territory northwest of the Ohio.

The question is here presented, why was Mr. Carrington, a new member of the committee, placed at the head of it, to the exclusion of Mr. Dane and Mr. Smith, who had served previously? In the absence of positive evidence, there appears to be but one answer to this question: the opinions of all the members were known in Congress. In the course of debate new views had been presented which must have been received with general approbation. A majority of the committee were the advocates of these views, and the member by whom they were presented to the House was selected as the chairman. There is nothing improbable or out of the usual course in this. Indeed, the prompt action of the committee and of the Congress goes far to confirm it.

On the 11th of July (two days after the reference) Mr. Carrington reported the ordinance for the government of the territory of the United States northwest of the Ohio. This ordinance was read a second time on the 12th (and amended as stated below), and on the 13th it was read a third time, and passed by the unanimous vote of the eight States present in the Congress.

On the passage the yeas and nays (being required by Mr. Yates) were as follows:

Ayes—Massachusetts, Mr. Holten, Mr. Dane; New York, Mr. Smith, Mr. Harney, Mr. Yates; New Jersey, Mr. Clark, Mr. Schureman; Delaware, Mr. Kearney, Mr. Mitchell; Virginia, Mr. Grayson, Mr. R. H. Lee, Mr. Carrington; North Carolina, Mr. Blount, Mr. Hawkins; South Carolina, Mr. Kean, Mr. Huger; Georgia, Mr. Few, Mr. Pierce.

Nays—None.

Absent—New Hampshire, Rhode Island, Connecticut, Pennsylvania, Maryland.

It appears that in five days it was passed through all the forms of legislation—the reference, the action of the committee, the report, the three several readings, the discussion and amendment by Congress, and the final passage.

On the 12th of July (as above stated) Mr. Dane offered the following amendment, which was adopted as the sixth of the articles of the compact:

Article the sixth. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: *Provided always*, That any person escaping into the same, from whom labor or service is claimed in any of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

This had in part been presented by Mr. Jefferson in 1784, and again by Mr. King in 1785. In the proposition submitted by Mr. King in 1785 (which was never afterwards called up in Congress) there was no provision for reclaiming fugitives; and without

*The manuscript of this ordinance—with alterations marked on it while under consideration, just as it was amended at the President's table, among which the clause respecting slavery remains attached to it as an amendment in Mr. Dane's handwriting, in the exact words in which it now stands in the ordinance, is among the "Peter Force" archives.

such a provision it could not have been carried at all; besides, the clause, as it now exists in the ordinance, was proposed by Mr. Dane on the 12th of July, 1787, and carried by the unanimous vote of Congress when Mr. King was not present.

Mr. King was a member of the convention for framing the Federal Constitution. He was present and voted in the convention on the 12th of July, 1787. The whole of that day was occupied in settling the proportion of representation and direct taxation, which was then determined as it now stands in the Constitution, viz, "by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons*."

The Congress and the convention were both in session at the same time in Philadelphia; there was of course free intercourse and interchange of opinion between the members of the two bodies. To this may be attributed the adoption on the same day of the clause in the ordinance and the clause in the Constitution.*

ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO.

In Congress of the Confederation, at Philadelphia, July 13, 1787, according to order, the ordinance for the government of the territory of the United States northwest of the river Ohio was read a third time, and passed, as follows:

AN ORDINANCE for the government of the territory of the United States northwest of the river Ohio.

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered, by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed, from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also

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*Peter Force.

be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterward, the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that, for every five hundred free male inhabitants, there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature; provided, that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee-simple, two hundred acres of land within the same; provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid: and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term: And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Con-

gress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the President of Congress, and all others officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ARTICLE 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with, or affect, private contracts or engagements, bona fide, and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary, for securing the title in such soil, to the bona-fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. 5. There shall be formed in the said territory, not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: the western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle States shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the

Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: *Provided, however*, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Porvided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby, repealed and declared null and void.

WILLIAM GRAYSON,
President.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of the sovereignty and Independence the twelfth.

CHARLES THOMSON,
Secretary.

REVIEW OF THE ORDINANCE OF 1787, AND CHANGE IN TENURES AND ESTATES THEREUNDER.

The ordinance of 1787 was the first general legislation by the Congress of the United States on the subject of real property. In it the leading features of feudalism are specifically repealed. Since the period of its passage the policy of the jurisprudence of the United States is not to encourage restraints upon the power of alienation of land. Free and unconditional alienation is now the rule of the National Government in the disposal of the public domain, and encouraged by all the States and Territories in land transfers.

The failure of the first aristocratic efforts at colonization upon the basis of feudalistic social organization now appears as an event giving decisive advantages to the development of freedom. Under the charter of King James I., the lands of the first and second colonies of Virginia were to be held by the mildest form of tenure, of free and common socage, which in many of the States of the Union has been transferred into allodial proprietorship, or freehold estate held in absolute individual right, and free from feudal tenure or obligation.

The usual tenure of the colonial grants, after Raleigh's first one, was free and common socage.

The common law of England as to passing title by deed for lands so held, and the provisions of the statute of frauds, were early invoked in some of the colonies, and voluntary alienations of title, after purchase from proprietary or proprietaries or from the Crown, were safely and legally guarded. There was in colonial times, in most of the colonies, safe tenure for lands. Overlapping or twice-issued grants, or grants several times over for the same lands to different proprietaries, frequently caused clash as to attornment for rents, but the individual titles usually were respected and protected.

Socage tenure denoted lands held by a fixed and determined service; not military, nor in the power of the lord paramount (or charter grantee), to whom rents might be due, to vary at his pleasure. The change in England, in relation to lands (3 Kent,

510, 511), from knight-service to tenure by socage, was obtained only after a long and bitter struggle, and was of vast social importance.

Most of the feudal incidents of tenure (which in the colonies were of mere form) were abolished in many of the States after the Revolution, and by the United States in the immortal ordinance of 1787, the most progressive and republican act ever performed by a nation in relation to the estates of her people. It made the individual absolutely independent of the State, and the entire owner of his or her home.

Becoming the guardian of the public domain, the Congress of the Confederation, by its system of holdings in the "ordinance," made the tenure of the land safe, and, by the order of disposition afterward adopted, made from the public domain thousands of free and happy homes.

After the Revolution in 1776 the lord paramount of all socage lands became the people of the State or States, and the quit-rents which were due for the King in colonial grants, and whom the people succeeded by the Revolution of 1776, were acted upon by legislatures and generally commuted; or where proprietary rights were purchased by the State, the State in selling, as in the case of unappropriated vacant crown lands lying within States, gave patents to purchasers at their land offices in fee.

All lands granted or patented before the Revolution, within the colonies, were held by socage tenure. After this came the allodial legislation by States and the National Government. (3 Kent, 512; note A.)

A patent, grant, or deed in fee, in the sense now used in this country, is an estate of inheritance in law belonging to the owner and transferable to his heirs. It may be continued forever. (4 Kent, 406.)

Fee-simple is a pure inheritance, clear of conditions or qualifications, with certain restrictions in law as to heirs. It is an estate of perpetuity, and carries with it and confers an unlimited power of alienation. No person is capable of having a greater estate or interest in land. (4 Kent, 406.)

In the first charter to Sir Walter Raleigh for colonization in America, granted by Elizabeth March 25, 1589, the right to him, his heirs or assigns, to dispose of lands in fee simple, according to the laws of England, was granted. Tenure by knight-service was a rule then in force in England. It was abolished by statute of 12 Charles II., after the restoration in England, and the tenure of land was for the most part thereafter turned into free and common socage, and everything oppressive in that tenure was abolished. This statute essentially ended the feudal system in England, although there are remaining some unimportant features in name in all socage tenures. (3 Kent, 509.) Homage was exacted in some of the colonial grants from the grantees to the Crown. It was defined by Littleton as "the most honorable and the most humble service of reverence that a frank tenant could make to his lord." (4 Kent, 511.)

All lands held by socage tenures would seem, in theory, to have been chargeable with the oath of fealty. And every tenant, whether in fee, for life, or for years, was by the English law obliged to render it when required, as being the indispensable service due to the lord of whom he held. (4 Kent, 511, 512.) Fealty was an oath of fidelity to the lord. It was the foundation and essence of the feudal association.

Littleton says: "When a freeholder doth fealty to his lord, he shall lay his right hand upon a book, and shall say, 'Know ye this, my lord, that I shall be faithful and true unto you, and faith to you shall bear for the lands which I claim to hold of you, and that I shall lawfully do to you the customs and services which I ought to do by the terms assigned. So help me God and his saints.'"

"The oath of fealty was the parent of the oath of allegiance, now exacted of subjects and officials by sovereigns," and of officials (and can be of citizens) in republics. (3 Kent, 511.)

The highest title to land in the United States is a Government grant, a patent either from the National Government or a State.

A Government grant for land has been, and is held to be, "a contract executed." (Fletcher v. Peck, 6 Cranch, 87.)

In the United States we have adopted a fundamental principle of the English law, derived from the maxims of the feudal tenure, that "the king [State] is the original proprietor or lord paramount of all the land in the kingdom, and the true and only source of title." It is a settled doctrine with us that all valid individual title to land within the United States is derived from grants from or under the authority of the governments of England, Sweden, Holland, France, Spain, Russia, Mexico, the chartered and crown colonies, or the Government of the United States and the several States of the Union. (3 Kent, 5; note A.) In all treaties defining boundaries, cessions, or purchases made by or to the United States by foreign nations or by States in the Union, or in anywise relating to the territory now within the United States, individual rights, grants, and land holdings are provided for, guarded, and confirmed either in the treaties or cessions, or by subsequent legislation by Congress.

Indian titles to lands within the limits of the United States are considered mere occupancy titles, the Government claiming the right to purchase (the fee being considered inchoate, but in the United States) by treaty; these treaties being confirmatory acts as to the fee. The lands are then added to the public domain for sale and disposition. (3 Kent.)

THE VITAL CHANGES IN LAND TENURES MADE BY THE ORDINANCE.

The second section of the ordinance of 1787 was vitally progressive.

It ordained and enacted "that the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to and be distributed among their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal part among them; and where there shall be no children or descendants, then in equal part to the next of kin in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall in no case be a distinction between kindred of the whole and half blood; saving, in all cases, to the widow of the intestate her third part of the real estate for life and one-third part of the personal estate; and this law, relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be (being of full age) and attested by three witnesses; and real estate may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person being of full age in whom the estate may be, and attested by two witnesses, provided such will be duly proved and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrate's courts and registers shall be appointed for that purpose; and personal property may be tranferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskias, St. Vincent's, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them relative to the descent and conveyance of property."

"This statute struck the key-note of our liberal system of land law, not only in the States formed out of the public domain, but also in the older States. The doctrine of tenure is entirely exploded; it has no existence. Though the word may be used for the sake of convenience, the last vestige of feudal import has been torn from it. The individual title derived from the Government involves the entire transfer of the ownership of the soil. It is purely allodial, with all the incidents pertaining to that title, as substantial as in the infancy of Teutonic civilization. Following in the wake of this fundamental reform in our State land laws are several others which constitute appropriate corollaries. The statute of uses was never adopted in the public-land States, and hence the complex distinction between uses and trust has never embarrassed our jurisprudence. We have, however, adopted one of the methods of conveyance to

which that statute gave rise, to wit, the method of bargain and sale. Feoffments, fines, and recoveries are entirely dispensed with, as also livery of seisin and its consequences. A conveyance is completed by the execution and delivery of the deed; entailments and perpetuities are barred by the statute, which renders void all limitations beyond persons in being and their immediate issue, and which provides that an estate tail shall become a fee-simple in the heirs of the first grantee. All joint interests in land are reduced to tenancies in common. Joint tenancies never had an existence, and coparceners are now on a footing of tenants in common. Real actions, with their multitudinous technicalities, never had an existence in our western jurisprudence, though some of the fictions of this form of action were and are still tolerated in some localities, *e. g.*, the allowance of fictitious parties to a suit. Ejectment is now the universal remedy, being the only action for the recovery of lands. Action by ejectment is limited to twenty-one years, but refractory tenants may be more speedily dispossessed by the action for forcible entry and detainer. A dispossessed claimant may, at the option of the ejector, either pay for the land, or receive pay for the improvements. For waste the party is liable in simple damages, and no more. A tenant in dower forfeits the place wasted. In the older States we see evidences of the reflex benefits of the land legislation of our public-land States.

"The Pennsylvania supreme court (5 Rawle, 112) holds that "our property is allodial, and escheat takes place, not upon principles of tenure, but by force of our statutes to avoid the uncertainty and confusion inseparable from the recognition of a title founded in priority of occupancy." Chancellor Kent says that tenure to some extent pervades real property in the United States. The title is essentially allodial, yet designated by the feudal terms fee-simple and free and common socage. These technicalities mar the municipal jurisprudence of several States, though no vestige of feudal tenure remains, and ownership, free and independent, is the real character of individual title to the soil. By the statute of February 20, 1787, New York abolished all military tenures, transferring them into free and common socage and making all State grants entirely allodial.

"The revised statutes going into effect in 1830 abolished the last shadow of feudal tenure, and made allodial proprietorship the sole title to private land, and this property liable to forfeiture only by escheat.

"In other States these tenures have either been formally changed into allodial, or if they retain the technicalities of feudalism, the latter receive an allodial signification. An estate in fee-simple means one of inheritance, having lost its beneficiary or usufructuary character.

"It will be seen from the facts recited that the liberal principles embodied in our public land policy have reconstructed to a great extent the legal basis of our social order by liberalizing the ideas of land ownership.

"The General Government set this glorious example, and the justice and expediency of its policy in this respect are now universally admitted."*

This great American Charter contains the basic propositions, as to land tenures of the laws of the United States and of most of the States of the Confederation, and became and is the foundation of the same statutes in all the public-land States and Territories. Under its care and provisions the Central and Western States and Territories of the Union, and the States in the territory south of the river Ohio, have grown from weak and straggling settlements to mighty Commonwealths and organizations containing more than 25,000,000 of people. The "ordinance" began with a wilderness. Its principles, embraced in existing laws, now govern in area and population the domain of an empire.

POLITICAL HISTORY AND ABSORPTION OF THE TERRITORY NORTHWEST OF THE RIVER OHIO.

Arthur St. Clair was appointed governor by the Congress February 1, 1788, and Winthrop Sargent secretary. August 7th, 1789, Congress, in view of the new method of

*Joseph S. Wilson, late Commissioner General Land Office.

appointment of officers as provided in the Constitution, passed an amendatory act to the Ordinance of 1787 providing for the nomination of officers for the Territory by the President, and their appointment by and with the advice and consent of the Senate. August 8, 1789, President Washington sent to the Senate the names of Arthur St. Clair for governor, Winthrop Sargent for secretary, and Samuel Holden Parsons, John Cleves Symmes, and William Barton for judges.

The first were re-appointments. They were all confirmed. President Washington, in this message, designated the country as "The Western Territory." The supreme court was established at Cincinnati (now Ohio, named by St. Clair in honor of the Society of the Cincinnati, he having been president of the branch society in Pennsylvania). St. Clair remained governor until November 22, 1802. Winthrop Sargent afterwards, in 1798, went to Mississippi as governor of that Territory. William Henry Harrison became secretary in 1797, representing it in Congress in 1799–1800, and he became governor of the Territory of Indiana in 1800.

THE TERRITORY DIVIDED—WESTERN PORTION BECOMES INDIANA TERRITORY.

May 7, 1800, Congress, upon petition, divided this Territory into two separate governments. Indiana Territory was created, with its capital at St. Vincennes and from that portion of the Northwest Territory west of a line beginning opposite the mouth of the Kentucky River in Kentucky, and running north to the Canada line.

EASTERN PORTION BECOMES THE STATE OF OHIO.

The eastern portion now became the "Territory Northwest of the river Ohio," with its capital at Chillicothe. This portion, April 30, 1802, was admitted into the Union as the State of Ohio.

TERRITORY OF MICHIGAN.

Indiana Territory, the remainder after Ohio was admitted into the Union, was divided by act of Congress January 11, 1805, and the northern central portion formed into the Territory of Michigan. The original boundaries of Michigan as by this act defined were changed by acts of Congress of April 9, 1816, June 18, 1818, June 28, 1834, and April 20, 1836. The act of 1818 made the Mississippi River the western boundary of the Territory. The act of 1834 added to Michigan the lands between the Missouri and White Earth rivers on the west and the Mississippi River on the east. The southern line of Michigan was the northern line of the States of Ohio, Indiana, Illinois, and Missouri; its western line the Missouri and White Earth rivers to the British line; its eastern line was Lakes Huron and Erie.

Michigan was admitted into the Union, with reduced and fixed boundaries, January 26, 1837, after the Territory of Wisconsin had been formed from its western portion April 20, 1836, and afterward, May 29, 1848, admitted into the Union.

INDIANA AGAIN DIVIDED—ILLINOIS CREATED.

February 3, 1809, Indiana was again divided, and the Territory of Illinois, with its capital at Kaskaskia, was created from the part lying west of the Wabash River and to the Canada line, the western boundary of Michigan. The enabling act of Congress for Illinois, April 18, 1818, gave her present boundaries, reducing her great north and northwestern area, now lying in the States of Wisconsin, Michigan, and Minnesota. Illinois was admitted into the Union December 3, 1818.

The territory northwest of the river Ohio ceased to exist as a political division after the admission of the State of Ohio into the Union November 29, 1802, although in acts of Congress it was frequently referred to and its forms affixed by legislation to other ical divisions.

THE BOUNDARIES OF THE TERRITORY OF THE UNITED STATES NORTHWEST OF THE RIVER OHIO.

It was bounded on the west by the Mississippi River and international boundary line; on the south by the Ohio River; on the east, going north from the Ohio River, by the western boundary of the States of Pennsylvania and New York; and on the north by the line between the possessions of Great Britain and the United States, as described in the definitive treaty of peace of September 3, 1783.

The Territory northwest of the river Ohio, thus formed, was made up of claims of different States, which had been ceded as follows:

Virginia's uncontested claims, which was all the territory west of Pennsylvania, north of the Ohio, to the forty-first parallel north latitude, and above that her claim of capture to the northern limits of the lands under the Crown which had been subject to the jurisdiction of the Province of Quebec, and to the Lakes Michigan and Huron.

Connecticut claimed from the forty-first parallel northward to the south line of the Massachusetts claim, 42° 02′ north latitude; from east to west, from the west line of Pennsylvania to the Mississippi River.

Massachusetts claimed the north line of the Connecticut claim, viz, 42° 02′ north latitude, north to 43° 43′ 12″ north latitude; and from east to west, from the western boundary of New York to the Mississippi River.

The belt or zone lying north of the Massachusetts claim and to the Canada line, and lying east of the Mississippi River, was claimed to have been obtained by the treaty of peace with Great Britain September 3, 1783, and the cession of the State of Virginia. Massachusetts and New York claimed the "Erie purchase," about three hundred and sixteen square miles, now in Pennsylvania.

New York's claim was indefinite as to area, but was west of Pennsylvania and north of the river Ohio, as set up under Indian title, and for the three hundred and sixteen square miles in the "Erie purchase" now in Pennsylvania.

The territory northwest of the river Ohio contained an area of 265,878 square miles, and from it were formed and now lie in its original territory—

	Square miles.
The State of Ohio	39,964
The State of Indiana	33,809
The State of Illinois	55,414
The State of Michigan	56,451
The State of Wisconsin	53,924
The State of Minnesota, east of the Mississippi River and international boundary of 1776, estimated to contain	26,000
The Erie purchase (in Pennsylvania)	316

TERRITORY OF THE UNITED STATES SOUTH OF THE RIVER OHIO, COMMONLY CALLED THE SOUTHWESTERN TERRITORY.

May 26, 1790, the Congress of the United States passed the following act providing for a temporary government for the territory of the United States south of the Ohio River:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That the territory of the United States south of the river Ohio, for the purpose of temporary government, shall be one district, the inhabitants of which shall enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late Congress for the government of the territory of the United States northwest of the river Ohio; and the government of the said territory south of the Ohio shall be similar to that which is now exercised in the territory northwest of the Ohio, except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session entitled "An act to accept a cession of the claims of the State of North Carolina to a certain district of western territory."*

*See the ten conditions in the act of cession by the State of North Carolina. See fourth condition: "*Provided always*, That no regulations made or to be made by Congress shall tend to emancipate slaves."

SEC. 2. *And be it further enacted,* That the salaries of the officers which the President of the United States shall nominate and, with the advice and consent of the Senate, appoint by virtue of this act shall be the same as those by law established, of similar offices in the government northwest of the river Ohio, and the powers, duties, and emoluments of a superintendent of Indian affairs for the southwestern department shall be united with those of the governor.

ITS BOUNDARIES.

The territory of the United States south of the river Ohio was nominally bounded on the north by the river Ohio; on the south, including nominal possessions, by the thirty-first parallel, north latitude; on the west by the Mississippi River, and on the east by the western boundary line of the States of Virginia, North Carolina, South Carolina, and Georgia.

CESSIONS INCLUDED.

Virginia ceded the belt between her western boundary line and the Ohio River on the north, and the Mississippi River on the west, with parallel 36° 33′ north latitude, for its southern boundary, now in the State of Kentucky, and nominally in the territory south of the river Ohio.

North Carolina ceded the area from 36° 33′ north latitude, going south to the parallel 35° north latitude, and from her western boundary line to the Mississippi River, now in the State of Tennessee, actually in this territory.

South Carolina ceded the area from 35° north latitude going south embraced in a belt or zone twelve to fourteen miles in width, extending from the western boundary line of the State of South Carolina to the Mississippi River, now in the States of Georgia, Alabama, and Mississippi, actually in this territory.

From the south line of the cession of South Carolina, being about latitude 34° 47′ north, going south to latitude 31° north, and reaching from the western boundary line of the State of Georgia to the Mississippi River, ceded by the State of Georgia and now in the States of Alabama and Mississippi, being the original line prior to the purchase of the province of Louisiana, between the United States and the French possessions west of the eighty-fifth meridian of west longitude, and embracing most of the British province of West Florida, nominally in this territory.

STATES ERECTED THEREFROM.

South Carolina had already at the date of the passage of the act ceded her western lands to the United States August 9, 1787, and North Carolina had made her cession February 25, 1790, a total of about 50,500 square miles. The territory at this time embraced under this act was Kentucky, part of western lands of Virginia nominally, and the two above set out actually.

William Blount, of North Carolina, was appointed governor in 1790, and Daniel Smith secretary, with headquarters at Knoxville, now in Tennessee.

Kentucky, nominally in this territory, was admitted into the Union June 1, 1792.

At Knoxville, Tenn., under proclamation of Governor Blount, a convention was held, and a constitution framed in February, 1796, and Tennessee was admitted into the Union June 1, 1796. This absorbed the North Carolina cession. There remained the South Carolina lands, now in Mississippi, Alabama, and Georgia.

April 7, 1798, Congress created the Territory of Mississippi; the northern part of the lands therein was part of the territory south of the river Ohio, from the South Carolina cession, called after the admission of the State of Tennessee "the territory of the United States south of the State of Tennessee."

Mississippi, after division and creation of Alabama from it, was admitted into the [illegible]on December 10, 1817. Mississippi and Alabama now contain the lands ceded by [illegible] to the United States.

March 3, 1817, Alabama Territory was erected from the eastern portion of the Territory of Mississippi and admitted into the Union December 14, 1819. Alabama contains a strip on her northern boundary of the lands of the territory south of the river Ohio from the South Carolina cession.

THE REMAINDER OF THE TERRITORY.

The remainder of the territory of the United States south of the river Ohio was given to the State of Georgia, by the terms of the cession of her western lands to the United States on June 16, 1802, under her act of April 24, 1802. This land now forms the extreme northern part of the State of Georgia.

And thus all of the territory of the United States south of the river Ohio was embraced within State lines, and the act became obsolete.

AREA.

It contained an actual area of 50,500 square miles; actual and nominal of 176,758 square miles, as follows:

	Sq. miles.
Kentucky, nominal	37,680
Tennessee, actual	45,600
Alabama, Georgia, and Mississippi, actual	4,900
Alabama, nominal	46,722
Mississippi, nominal	41,856
Total, actual 50,500, and nominal 126,258	176,758

CHAPTER VI.

ADMINISTRATION AND SURVEYS.

DEPARTMENT OF THE INTERIOR AND THE GENERAL LAND OFFICE.

The public lands being under the entire control and direction of Congress, that body has from time to time enacted various laws creating agents to sell and otherwise dispose of the public domain, and from 1776 it has made grants. From May 20, 1785, and after, under order of Congress, the Board of Treasury (three commissioners), the then Treasury Department, made sales of the public lands and gave certificates. April 21, 1792, Congress authorized the President to give patent to "the Ohio Company of Associates" (Winthrop Sargent Cutler, Rufus Portman, and others). May 5, 1792, the President was authorized to give patent for lands to John Cleves Symmes and his associates. The money in these cases was paid direct to the Secretary of the Treasury. By act of May 18, 1796, for the sale of the lands in the Northwestern Territory, now in Ohio, the Secretary of the Treasury received a set of plats of survey, kept check-books of sales, gave notice of sales, and performed other executive duties. He became the executive power or agent in the sale or disposition of the public domain, issuing patents for grants of land, &c., with the aid of registers and receivers of district land offices after 1810, and remained so until the organization of the General Land Office in his Department.

GENERAL LAND OFFICE CREATED.

April 25, 1812, Congress created the office of Commissioner of the General Land Office, and made his bureau in and subordinate to the Treasury Department, issuing patents, and performing duties formerly executed by the several departments. The Secretary of the Treasury, by a series of acts of Congress following this, obtained supervision of the acts of the Commissioner of the General Land Office, and appeals from the action of the commissioner were made to him. July 4, 1836, the General Land Office was reorganized by law.

DEPARTMENT OF THE INTERIOR CREATED.

March 3, 1849, Congress created the Home (now Interior) Department, and by section 3 of that law provided that the Secretary of the Interior "shall perform all the duties in relation to the General Land Office of supervision and appeal now discharged by the Secretary of the Treasury." Thereafter the General Land Office became and continues to be a bureau in the Interior Department. The Secretary of the Interior is now charged with the supervision of the public business relating to the public lands, including mines and pension and bounty lands. (See Chapter XI, section 441, 75, Revised Statutes United States.)

Secretaries of the Interior.

Name.	Whence appointed.	Date of commission.	Administration.
Thomas Ewing	Ohio	Mar. 8, 1849	Taylor and Fillmore.
Thomas M. T. McKennan	Pa	Aug. 15, 1850	Fillmore.
Alexander H. H. Stuart	Va	Sept. 12, 1850	Fillmore.
Robert McClelland	Mich	Mar. 7, 1853	Pierce.
Jacob Thompson	Miss	Mar. 6, 1857	Buchanan.
Caleb B. Smith	Ind	Mar. 5, 1861	Lincoln.
John P. Usher	Ind	Jan. 8, 1863	Lincoln and Johnson.
James Harlan	Iowa	May 15, 1865	Johnson.
Orville H. Browning	Ills	July 27, 1866	Johnson.
Jacob D. Cox	Ohio	Mar. 5, 1869	Grant.
Columbus Delano	Ohio	Nov. 1, 1870	Grant.
Zachariah Chandler	Mich	Oct. 19, 1875	Grant.
Carl Schurz	Mo	Mar. 12, 1877	Hayes.

Assistant Secretaries of the Interior.

Name.	Whence appointed.	Date of commission.	Administration.
John P. Usher	Ind	Mar. 20, 1862	Smith.
William T. Otto	Ind	Jan. 28, 1863	Usher to Delano.
Benjamin R. Cowen	Ohio	April 17, 1871	Delano and Chandler.
Charles T. Gorham	Mich	Mar. 10, 1876	Chandler.
Alonzo Bell	N. Y	April 9, 1877	Schurz.

Assistant Attorneys-General for Interior Department.

Name.	Whence appointed.	Date of commission.	Administration.
Walter H. Smith	Ohio	Mar 17, 1871	Delano.
Augustine S. Gaylord	Mich	Nov. 4, 1875	Chandler.
Edgar M. Marble	Mich	Mar. 30, 1877	Schurz.
Joseph K. McCammon	Pa	May 4, 1880	Schurz.

Chief Clerks of Interior Department.

Name.	Whence appointed.	Date of commission.	Administration.
Daniel C. Goddard	Ohio	Mar. 8, 1849	Ewing to Stuart.
George C. Whiting	Va	July 1, 1852	Stuart and McClelland.
Moses Kelly	N. H.	Oct. 24, 1856	McClelland to Smith.
Watson J. Smith	Ind	Oct. 16, 1861	Smith and Usher.
Hallett Kilbourn	Ind	May 3, 1863	Usher.
William P. Clarke	Iowa	May 1, 1866	Harlan.
John C. Cox	Ills	Sept. 10, 1866	Browning.
Ashton S. H. White	N. H.	Mar. 11, 1869	Cox.
George T. Metcalfe	Ohio	May 10, 1869	Cox.
John S. Delano	Ohio	Dec. 1, 1870	Delano.
William C. Morrill	Me	Dec. 1, 1873	Delano.
Stanley Plummer	Me	April 1, 1874	Delano.
Alonzo Bell	N. Y	Nov. 9, 1875	Chandler and Schurz.
George M. Lockwood	N. Y	April 10, 1877	Schurz.

COMMISSIONER OF GENERAL LAND OFFICE.

Chapter III, section 453, page 77, Revised Statutes United States, provides that—

The Commissioner of the General Land Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all [*agents*] [grants] of land under the authority of the Government.

Commissioners.	Term of service.	Where born.	Whence appointed.
Edward Tiffin	1812-1814	England	Ohio.
Josiah Meigs	1814-1822		Georgia.
John McLean	1822-1823	New Jersey.	Ohio.
George Graham	1823-1830		District of Columbia.
Elijah Hayward	1830-1835		Ohio.
Ethan A. Brown	1835-1836	Connecticut	Ohio.
James Whitcomb	1836-1841	Vermont	Indiana.
Elisha M. Huntingdon	1841-1842	New York	
Thomas H. Blake	1842-1845	Maryland	Indiana.
James Shields	1845-1847	Ireland	Illinois.
Richard M. Young	1847-1849	Kentucky	Illinois.
Justin Butterfield	1849-1852	New Hampshire	Illinois.
John Wilson	1852-1855	District of Columbia	District of Columbia.
Thomas A. Hendricks	1855-1859	Ohio	Indiana.
Samuel A. Smith	1859-1860		Tennessee.
Joseph S. Wilson	1860-1861	District of Columbia	District of Columbia.
James M. Edmunds	1861-1866	New York	Michigan.
Joseph S. Wilson	1866-1871	District of Columbia	District of Columbia.
Willis Drummond	1871-1874	Missouri	Iowa.
Samuel S. Burdett	1874-1876	England	Missouri.
James A. Williamson	1876	Kentucky	Iowa.

DUTIES OF COMMISSIONER OF GENERAL LAND OFFICE.

The Commissioner of the General Land Office is appointed by the President and confirmed by the Senate; receives an annual salary of $4,000, and holds office indefinitely. He performs, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sales of the public lands of the United States, or in any wise respecting such public lands, and also such as relate to private claims of land and the issuing of patents for all lands under the authority of the Government. His duties are fully set out in Chapter III, Revised Statutes of the United States, pp. 76-78, sections 446 to 461; also, therein, the organization of the General Land Office. (See Report Public Land Commission, February 1, 1880, for details as to duties and importance of this bureau.)

IMPORTANCE OF THE GENERAL LAND OFFICE.

The General Land Office holds the records of title to the vast area known as the public domain, on which are hundreds of thousands of homes. Its records constitute the "Doomsday Book" of the public domain of the United States.

All the business pertaining to the survey, disposition, and patenting of the public lands of the United States is transacted through it, or under its order and supervision. No more responsible bureau of the Government exists.

Important questions of law often arise in the various divisions of this Office as to rules of evidence, as to boundaries, riparian rights, entries, locations, cultivation improvements, settlement, domicile, expatriation, jurisdiction of executive officers, such as the power of the Commissioner of Pensions to cancel land warrants under various circumstances after they have issued or after they have been located; as to the authority of this Office to set aside or cancel patents after execution, and before delivery and after delivery; as to rights of way and water rights; as to when patents take effect; as to when patents are valid, void, or merely voidable; as to when legal title passes without patent; in construing foreign treaties and Indian treaties; as to forfeitures, abandonments, assignments; as to rights of parties holding scrip of various kinds; as to the rights of owners of lost instruments; as to advancements for surveys, deposits and excess.

The laws and decisions of various States and Territories have to be examined to determine who are the lawful wives, widows, heirs, devisees, executors, administrators, or guardians; to determine the jurisdiction of local courts and the validity of proceedings therein, and the legality of judicial sales.

Since the organization of the Government about three thousand acts have been

passed by Congress concerning the public lands. Many of these acts are composed of numerous sections, and many of these sections present a number of difficult questions of construction. These provisions are generally construed in the first instance by this office; it is often many years before a judicial interpretation is obtained, if ever. The Supreme Court of the United States has on more than one occasion declared that the construction and practice of this Department is entitled to great respect, and such construction is usually followed by the State courts. It is true that many of these enactments have been repealed; but under imperfect administration in former years, titles acquired or supposed to be acquired under such repealed provisions are found to be imperfect, and necessitate an examination and consideration of the early acts of Congress and of the rights of parties thereunder. In determining and in deciding these cases careful opinions must be written deciding the questions of fact and of law, giving reasons for conclusions and citing authorities.

Rules of practice in cases before the district land offices, the General Land Office, and the Department of the Interior are provided. (See circular approved October 9, 1878, and revised rules.

PRESENT ORGANIZATION OF THE GENERAL LAND OFFICE.

Commissioner, James A. Williamson, of Iowa.
Chief Clerk, Curtis W. Holcomb, of Connecticut.

This bureau is charged with the survey and disposal of the public lands of the United States. There are at the present time, subordinate to the General Land Office, sixteen surveying districts, each in charge of a surveyor-general, with a competent corps of assistants and deputies, through whom the current and annual surveys are made and reported to this bureau. For the duties of surveyors-general, see Revised Statutes United States, section 2207 to section 2233, pp. 388–391.

There are also ninety-six land districts, each with an office conveniently located for the sale or other disposal of the public lands. These offices are in charge of registers, to whom application is made for lands, and receivers of public moneys, who, as the name indicates, receive all moneys in payment for the same, and are situated in the different public-land States and Territories. For the duties of registers and receivers, see Revised Statutes United States, sections 2234 to 2247, pp. 392–394.

The transactions of these subordinate offices are at regular intervals of time reported to the General Land Office, and the duty of classifying, examining, and definitely disposing of the work done in these offices, together with supervising and directing the same, forms the principal part of the work of the General Land Office, giving employment to an average of two hundred clerks.

In the execution of this work the necessities of the case have led to the system of subdividing the office into divisions, each in charge of a principal clerk, and to each of which respective work is referred when received from the district offices. These divisions are at present designated by letters from A to N, and in all correspondence sent from the bureau the initial letter of the division from which it emanates is marked, in order that the same may be the more readily referred to in after days.

Division A.

The chief clerk has charge of this division. Its work consists in receiving, briefing, and properly referring all communications received; in keeping the record of all appointments, resignations, or dismissals in the clerical force of the bureau; in supervising the opening or closing of district land offices; investigating charges against land officers; the matter of official bonds; the drawing of requisitions for printing; the expenditure of the contingent expense fund; and the assignment and general regulation of the clerical force of the bureau. In this division, also, all fees for exemplifications of records are received by a clerk designated for that purpose.

The chief clerk is, by law, made the Acting Commissioner during the absence of the Commissioner. (See section 447, Revised Statutes United States.)

Division B.

This division is in charge of the recorder of the General Land Office. (See section 447, Revised Statutes United States.)

In this division patents are prepared for all tracts sold or located with warrants or scrip at the district land offices, after such transfers have been properly examined in other divisions of the bureau.

A correct record is here kept of all patents issued, and letters transmitting patents are prepared.

The original papers forming the basis of patent are here filed, and all patents undelivered or uncalled for are retained in this branch of the office.

To this division are finally referred, for examination and proper action, the papers in locations made in satisfaction of military bounty-land warrants issued by authority of various acts of Congress. The same reference is made of locations by agricultural college scrip, and the special scrip issued to Porterfield. In this division land warrants and scrip, submitted for official approval, are examined as to genuineness and regularity of assignment.

All revolutionary bounty-land scrip is here prepared, as also are patents for lands in the Virginia military district, Ohio.

The recorder is appointed by the President, and, by law, is required to countersign all patents after they have received the signature of the President.

The number of patent records in Division B is as follows:

	Vols.
Military	1, 207
Cash	3, 652
Home	353
Miscellaneous	375
Total (of 500 pages each)	5, 587
Miscellaneous, letter, and other records	1, 793
Total books of record	7, 380

Patents issued for agricultural entries.

Patents issued.	Prior to 1878.	1878.	1879.	1880.	Total.
For cash sales	2, 021, 356	2, 998	4, 209	6, 498	2, 035, 061
For homestead entries	103, 149	13, 418	12, 702	15, 781	145, 050
For agricultural-college scrip	50, 479	123	91	74	50, 767
For Sioux half-breed scrip	3, 517	12	3	11	3, 543
For Chippewa half-breed scrip	1, 209		34		1, 243
On military land warrants, act 1847	98, 241	419	855	1, 037	554, 932
On military land warrants, act 1850	189, 120				
On military land warrants, act 1852	11, 982				
On military land warrants, act 1855	26, 276				
Under military acts 1790, 1791, 1801, and 1812	50, 000			4	50, 004
On surveyor-general's certificates, &c	2, 732				2, 732
On Choctaw scrip, &c	2, 722		1		2, 723
For town sites				15	15
Total	2, 785, 785	16, 970	17, 895	23, 420	2, 844, 070

Division C.

In charge of the principal clerk of public lands. (See section 448, Revised Statutes United States.) In this division are kept the numerous "tract-books," which show, in well-arranged order, the status of every surveyed tract of land which is or has been included in the public domain.

All sales or other disposals of land made and reported in the district offices are noted in the proper places in these books. They also show reservations for Indian, military, or other purposes, private grants and special appropriations of land.

This division has charge of the examination and final action on all entries under the homestead and timber-culture laws, of ordinary private purchase by cash or by sale at public offerings, all selections under internal-improvement grants or under the various grants for educational purposes and locations with land scrip.

Division D.

In charge of the principal clerk of private land claims (see section 448, Revised Statutes United States), who is by law also required to perform, *ad interim*, the duties of the recorder in the event of the absence of that officer. On this division devolves the examination of, and final action on, all claims based upon British, French, Spanish, or Mexican titles recognized and protected by acts of Congress or treaty stipulations, and which in the main lie within the territory acquired from foreign powers.

In this division, also, all locations authorized by Congress of lands in lieu of lands injured by earthquakes in the county of New Madrid, Missouri, and all classes of private claims, are passed upon.

Also the adjustment of donation and mission claims in the State of Oregon and Territory of Washington, and donation claims in the Territory of New Mexico. Likewise the examination and final action of allotments under treaty provisions to Indians, and the preparation and examination of scrip issued in accordance with law in lieu of certain unsatisfied private claims.

Division E.

In charge of the principal clerk of surveys. This division is charged with the supervision of all work relating to the public surveys. Instructions to the surveyors-general relative to the extension of surveys or the examination and correction of erroneous surveys are here prepared. All contracts for surveys by deputy surveyors are here examined and passed upon, and the adjustment of accounts for surveying service made and submitted to the Treasury Department for payment. All returns of surveys are referred to this division for examination as to correctness, and after approval are filed in the division. All records and correspondence relating to Indian, military, light-house, live-oak, or other reservations are in charge of this division.

To this division are also referred matters pertaining to the establishment of boundary lines, by astronomical surveys, between States and Territories of the United States.

The plats and field-notes of all surveys are retained on the files of this division, in charge of a principal draughtsman, who supervises all work of draughting or copying plats of surveys, and who compiles and prepares the official map of the United States. There are in this division more than 50,000 plats or maps of township and other surveys.

Division F.

This division is charged with the adjustment of grants, by congressional legislation, of lands for railroad purposes, military wagon-roads, and of laws relating to the right of way through the public lands. Here also cases of conflict of title between persons claiming under other laws and the beneficiaries of the grants named are examined and passed upon.

Division G.

This division has charge of entries made under the pre-emption laws.

In addition to this, all applications for entry under the town-site laws are here examined, and sales of Osage, Indian, trust, and diminished-reserved lands are referred to this division for proper action.

Division K.

This division has charge of the adjustment of the grants made to the States of swamp and overflowed lands, and the questions and correspondence arising thereunder. It has, also, in connection with Division M, the adjustment of claims for indemnity for swamp lands disposed of by the United States to individuals after the passage of said swamp grant.

Division M.

To this division are first referred all returns made by registers and receivers of the business of the district land offices. The various dispositions of lands are here classified, and the accounts of the registers and receivers are here kept.

A strict account is also kept of the five per cent. fund due the States from the sale of public lands within their respective limits; an account of the receipts and expenditures of moneys collected from depredators of timber lands, and the accounts of sale of Osage and other Indian lands. All applications for repayment of moneys received for lands to which title cannot be given are here examined.

In this division is kept a classified statement of all disposals of public lands.

Division N.

The work of this division relates to mineral lands, and has in charge the examination and final disposition of applications for patents for that class of lands, and the adjudication of contests growing out of such applications.

Here, also, the mineral or non-mineral classification of given lands is passed upon.

All patents for mineral and coal lands are here prepared, and the plats of survey of all mines for which patents are sought are here filed.

Salariés of officers and employés of General Land Office.

Officers and employés	Amount
1 Commissioner, at $4,000	$4,000
1 chief clerk, at $2,000	2,000
1 recorder, at $2,000	2,000
1 law clerk, at $2,000	2,000
1 principal clerk public lands, at $1,800	1,800
1 principal clerk private land claims, at $1,800	1,800
1 principal clerk surveys, at $1,800	1,800
6 clerks class four, at $1,800 each	10,800
1 draughtsman, at $1,600	1,600
22 clerks class three, at $1,600 each	35,200
1 assistant draughtsman, at $1,400	1,400
40 clerks class two, at $1,400 each	56,000
80 clerks class one, at $1,200 each	96,000
30 clerks, at $1,000 each	30,000
9 copyists, at $900 each	8,100
9 assistant messengers, at $720 each	6,480
6 packers, at $720 each	4,320
12 laborers, at $660 each	7,920
223	273,220

OFFICES IN THE LAND SERVICE SUBORDINATE TO THE GENERAL LAND OFFICE.

Geographer.

The first officer in charge of the surveys of the public lands was called the geographer of the United States. He was appointed under the ordinance of May 20, 1785. Thomas Hutchins was the first and only incumbent of the office.

Surveyor-General of the Northwest Territory.

Under the act of May 18, 1796, creating the office, Rufus Putnam, in 1797, was appointed surveyor-general of the Northwest Territory (including Michigan Territory). He remained until 1803.

Captain Jared Mansfield, U. S. A., succeeded as surveyor-general from 1803 to 1813. Under Captain Mansfield, aided by the advice of Mr. Jefferson, many and important changes and improvements were made in the surveying system.*

* The following letter, in answer to one of inquiry as to Captain Jared Mansfield, father of Hon. E. D. Mansfield, the writer of the letter below, was received by the editor of this volume September 25, 1880. Mr. Mansfield died in October, 1880, and the data mentioned were not received:

MORROW, WARREN COUNTY, OHIO,
September 24, 1880.

DEAR SIR: I received a copy of your Report on the Public Lands yesterday, for which I am obliged. I will write you in a few days what I know of my father's surveys (astronomical), and give you a brief account of his first observatory. In Niles's Register you will see full accounts by the Commissioner of the Land Office of my father's system of survey.

I have the bill of astronomical instruments bought in London for the Government, and Mr. Jefferson's letter on the subject.

Yours truly,
EDW. D. MANSFIELD.

Josiah Meigs held the office of surveyor-general of this territory from 1813 to 1815. He gave way to Edward Tiffin from 1815 to 1825.

These surveyors-general employed a sufficient number of skillful deputy surveyors; who employed a force of men as chain men, &c. They were paid by the mile for each mile of line run, the first rate being $3 per mile.

Sections of the country were laid out, over which from time to time Congress or the Treasury Department appointed surveyors-general, who employed deputies, special statutes in most cases regulating this.

SURVEYORS PRIOR TO 1825.

Aaron Greeley, surveyor of Michigan Territory, 1812.
William Rector, surveyor of Illinois, Missouri, and Arkansas, 1814 to 1824.
William Clark, surveyor of Illinois, Missouri, and Arkansas, 1824 to 1825.
William McRee, surveyor of Illinois, Missouri, and Arkansas, 1825.
Isaac Briggs, surveyor south of Tennessee, 1803 to 1807.
Seth Pease, surveyor south of Tennessee, 1807 to 1820.
Thomas Freeman, surveyor south of Tennessee, 1820 to 1822
John Coffee, surveyor of Alabama, 1817 to 1825.
Robert Butler, surveyor of Florida, 1824 to 1825.
Silas Bent, surveyor of Louisiana, 1807 to 1813.

Surveyors-general within States or Territories.

May 7, 1822, the first surveying district was created, viz, the State of Ohio, with an officer called a surveyor-general in charge.

A surveying district may be a State, a Territory, or two or more of any of them joined together for such purpose by law and in charge of a surveyor-general, with assistants. The surveys are made under the contract system, the surveyor-general selecting the deputy, Congress fixing the compensation. These surveying districts are closed by act of Congress when all the public lands are surveyed, and certain archives therein transferred to the State in which the lands lie.

Registers and Receivers.

The offices of register and receiver were created by the act of May 10, 1800. Districts for the sale of lands were made at the same time and by the same act, and this method has since continued.

A land district for disposing of lands, with a register and receiver, may cover a State or there may be ten in a State. Land districts are in no wise connected in boundary with surveying districts. They are made by law of Congress, or by the President in mineral districts, and are abolished, consolidated one with another, reduced in area, or closed by Congress or the President. They are simply points for sale and disposition of land, more for the convenience of the people than of the Government. The land being surveyed is duly returned and notice of filing of plats given, and the land laws applicable to the district are put in force by the registers and receivers of the several district land offices, in permitting the settlers and locators to proceed under the law. When closed, their archives are sent to the General Land Office, which during their existence has complete and entire control over them by a system of checks and notations on a set of duplicate plats, notes, and supervises each and all changes made on the plats of the district offices, which are duly reported by them at the end of each month to the General Land Office at Washington.

Through the agency of these district offices the United States proceeds to dispose of the public lands in the methods contemplated in the laws providing for sales at ordinary private entry, for pre-emptions, for entries for homestead, timber culture, town site, and mining purposes, and in the laws making grants for specific objects, and exceptional provisions with regard to abandoned military and other reservations.

List of offices of surveyor-general from May 10, 1800, to June 30, 1880.

Surveying district.	Location of office.	When established.	Removed or discontinued.
Ohio	Cincinnati	Act May 7, 1822	To Detroit, Mich.
Indiana and Michigan	Detroit	June, 1845	Abolished.
South of Tennessee:			
Tennessee	Washington	May 7, 1822	To Jackson, Miss.
Mississippi	Jackson	Aug. 1, 1833	Discontinued.
Illinois and Missouri	Saint Louis	Feb. 6, 1829	Abolished.
Florida	Tallahassee.	June 31, 1828	To Saint Augustine.
	Saint Augustine	Mar. 9, 1844	To Tallahassee.
	Tallahassee.		
Louisiana	Donaldsonville	Act March 3, 1831	To Baton Rouge.
	Baton Rouge	Dec. 9, 1843	To New Orleans.
	New Orleans		
Alabama	Florence	Aug. 25, 1831	Discontinued Aug 28, 1848.
Chickasaw lands:			
Mississippi	Pontotoc	May 7, 1833	Abolished.
Arkansas	Little Rock	June 30, 1832	Discontinued, 1859.
Wisconsin and Iowa	Dubuque	June 12, 1838	Abolished.
Oregon	Oregon City	Nov. 22, 1850	To Salem.
	Salem		To Eugene City.
	Eugene City		To Portland.
	Portland		
California	San Francisco	Act March 3, 1851	
New Mexico	Santa Fé	Aug. 1, 1854	
Washington Territory	Olympia	Aug. 1, 1854	
Kansas and Nebraska	Fort Leavenworth	Aug. 1, 1854	To Wyandotte City.
	Wyandotte City		To Lecompton.
	Lecompton		To Nebraska City.
	Nebraska City		To Leavenwortd City.
	Leavenworth City		
Utah	Salt Lake City	March 7, 1855	
Nevada	Carson City	March 28, 1861	To Virginia City.
	Virginia City	Dec. 11, 1866	
Dakota	Yankton	March 28, 1861	
Colorado	Denver	April 5, 1861	
Arizona	Tucson	May 6, 1863	
Idaho	Boisé City	Aug. 13, 1866	
Nebraska and Iowa	Plattsmouth	April 1, 1867	
Montana	Helena	April 18, 1867	
Minnesota	Saint Paul	March 15, 1866	
Wyoming	Cheyenne	March 2, 1870	

List of surveying districts where surveys are now in progress, names of surveyors-general, with their compensation and location of offices, to June 30, 1880.

Districts.	Surveyors-general.	Location of offices.	Compensation under organic act. (See Rev. Stats., sects. 2208, 2209 and 2210.)	Compensation under act of June 15, 1880, fixing salaries fiscal year 1881. (See U.S. Stats., 1879-'80, p. 233.)
			Per annum.	*Per annum.*
Arizona	John Wasson	Tucson, Ariz	$3,000	$2,500
California	Theo. Wagner	San Francisco, Cal	3,000	2,750
Colorado	Albert Johnson	Denver, Colo	3,000	2,500
Dakota	Henry Esperson	Yankton, Dak	2,000	2,000
Florida	Le Roy D. Ball	Tallahassee, Fla	2,000	1,800
Idaho	Wm. P. Chandler	Boise City, Idaho	3,000	2,500
Louisiana	O. H. Brewster	New Orleans, La	2,000	1,800
Minnesota	J. H. Stewart	Saint Paul, Minn	2,000	2,000
Montana	Roswell H. Mason	Helena, Mont	3,000	2,500
Nebraska	George S. Smith	Plattsmouth, Neb	3,000	2,500
Nevada	E. S. Davis	Virginia City, Nev	2,000	2,000
New Mexico	H. M. Atkinson	Santa Fé, N. Mex.	3,000	2,500
Oregon	James C. Tolman	Portland, Oreg	2,500	2,500
Utah	F. Salomon	Salt Lake City, Utah	3,000	2,500
Washington	Wm. McMicken	Olympia, Wash.	2,500	2,500
Wyoming	E. C. David.	Cheyenne, Wyo.	3,000	2,500

List of local land offices (258 in number) under the laws of the United States, from May 10, 1800, to June 30, 1880, by States and Territories, with date of establishment and discontinuance.

State.	Location.	When established.	Removed or discontinued.
Alabama	Cahaba, originally located at Milledgeville, Ga.	Act Mar. 3, 1815	To Greenville.
	Greenville	June 16, 1856	May 11, 1866.
	Huntsville, originally established at Nashville, Tenn., and afterward located at Twickenham.	Act Mar. 3, 1807	
	Saint Stephens.	Act Mar. 3, 1803	To Mobile, 1867.
	Mobile		
	Demopolis	Act Mar. 2, 1833	March 30, 1866.
	Tuscaloosa	Act May 11, 1820	To Montgomery, 1866.
	Conecuh Court-House., Sparta	Act May 11, 1820	To Elba.
	Elba	Apr. 1, 1851.	April 11, 1867.
	Montevallo, Mardisville	Act July 10, 1832	To Lebanon.
	Lebanon	Apr. 12, 1842	To Montgomery.
	Montgomery	Act July 10, 1832	
Arkansas	Batesville.	Act Feb. 17, 1838	To Little Rock, 1865.
	Little Rock	Act Feb. 17, 1838	
	Fayetteville.	Act June 25, 1832	To Huntsville.
	Huntsville	Nov. 5, 1860	Closed, 1865.
	Dardanelle	May 31, 1871.	
	Washington	Act June 25, 1832	To Camden.
	Camden.	Mar. 20, 1871.	
	Helena.	Act June 26, 1834	To Little Rock, January 2, 1860.
	Johnson Court-House	Act July 7, 1838	To Clarksville.
	Clarksville	Dec. 1, 1847.	Closed February 9, 1871.
	Champagnole	Act Feb. 20, 1845	Closed 1865. To Washington.
	Harrison	Aug. 11, 1871	
Arizona	Prescott		
	Florence		
California	Benicia	Mar. 3, 1853.	Consolidated with San Francisco.
	Los Angeles	Mar. 3, 1853	
	Marysville	Mar. 3, 1853.	
	Humboldt	Act Mar. 29, 1858	
	Stockton	Act Mar. 29, 1858	
	Visalia	Act Mar. 29, 1858	
	Sacramento	Nov. 4, 1867	
	San Francisco		
	Shasta	Apr. 17, 1871.	
	Susanville	June 15, 1871	
	Independence	May 31, 1873	To Bodie.
	Bodie	July 10, 1878.	
Colorado	Golden City.	Act June 2, 1862	To Denver.
	Denver	Sept. 12, 1864	
	Fair Play	Oct. 29, 1867	To Leadville.
	Leadville	July 11, 1879	
	Central City	Dec. 27, 1867	
	Pueblo	Act May 27, 1870	
	Del Norte	Act June 20, 1874.	
	Lake City	May 5, 1877.	
Dakota	Vermillion	Act Mar. 2, 1861	To Sioux Falls.
	Sioux Falls	June 9, 1873	To Mitchell.
	Mitchell	Oct. 4, 1880	
	Springfield	Oct. 21, 1870	To Watertown.
	Watertown	May 1, 1880	
	Fargo	Act May 5, 1870	
	Yankton.	June, 1872	
	Bismack	Act Apr. 24, 1874.	
	Sheridan	May 22, 1877	To Deadwood.
	Deadwood	July 2, 1877	
	Grand Forks	Act Jan. 21, 1880	
Florida	Newnansville	Act Aug. 30, 1842	To Gainesville, 1867.
	Tallahasse	Act Mar. 3, 1823	To Gainesville.
	Saint Augustine	Act Mar. 3, 1823	To Gainesville, 1867.
	Gainesville	July 11, 1873	
	Tampa	Act Aug. 5, 1854	October 20, 1858.
	Jacksonville	May 14, 1877	To Gainesville.
Indiana	Jeffersonville	Act Mar. 3, 1807	April 9, 1855.
	Vincennes	Act Mar. 26, 1804	Discontinued under act of June 12, 1840; reopened by order of April 20, 1853; finally closed December 20, 1861.
	Indianapolis	Act Mar. 3, 1819	March 3, 1877.
	Crawfordsville	Act Mar. 3, 1819	July 1, 1853.
	Fort Wayne	Act May 8, 1822	June 1, 1852.
	La Porte to Winamac	Act Mar. 2, 1833	April 3, 1855.
Idaho	Boisé City	Nov. 6, 1866	
	Lewiston.	Sept. 23, 1867	
	Oxford	Act Feb. 4, 1879	

List of local land offices from 1800 *to* 1880—Continued.

State.	Location.	When established.	Removed or discontinued.
Iowa	Dubuque	Act June 12, 1838	To Marion.
	Marion	Feb. 20, 1843	Closed June 21, 1859.
	Burlington	Act June 12, 1838	To Fairfield.
	Fairfield	Aug. 1, 1842	November 12, 1855.
	Iowa City	Act Aug. 8, 1846	July 8, 1856.
	Chariton	Act Aug. 2, 1852	September 14, 1859.
	Fort Des Moines	Act Aug. 2, 1852.	
	Kanesville	Act Aug. 2, 1852	To Council Bluffs.
	Council Bluffs		May 31, 1873.
	Decorah	Act Mar. 3, 1855	To Osage.
	Osage		July 6, 1859.
	Fort Dodge	Act Mar. 3, 1855	May 31, 1873.
	Sioux City	Act Mar. 3, 1855.	May 31, 1873.
Illinois	Kaskaskia	Act Mar. 26, 1804	February 25, 1856.
	Shawneetown	Act Feb. 21, 1812	May 2, 1856.
	Edwardsville	Act Apr. 29, 1816	August 8, 1855.
	Vandalia	Act May 11, 1820	May 1, 1856.
	Palestine	Act May 11, 1820	August 14, 1855.
	Springfield	Act May 8, 1822	March 3, 1877.
	Danville	Act Feb. 19, 1831	December 16, 1856.
	Quincy	Act Feb. 19, 1831	August 30, 1855.
	Galena	Act June 26, 1834	To Dixon.
	Dixon	Act Nov. 2, 1840	September 3, 1855.
	Chicago	Act June 26, 1834	July 31, 1855.
Kansas	Lecompton	July 22, 1854	To Topeka.
	Topeka	Sept. 10, 1861	
	Doniphan	Mar. 3, 1857	To Kickapoo.
	Kickapoo	Dec. 3, 1857	To Atchison.
	Atchison	Sept. 6, 1861	December 26, 1863.
	Ogden	Mar. 3, 1857	To Junction City.
	Junction City,	Oct. 6, 1859	To Salina.
	Salina	May 1, 1871	
	Fort Scott	Mar. 3, 1857	To Humboldt.
	Humboldt	Sept. 16, 1861	To Mapleton.
	Mapleton	Nov. 1, 1861	To Humboldt.
	Humboldt	May 15, 1862	To Neodesha.
	Neodesha	Dec. 15, 1871	To Independence.
	Independence	Oct. 3, 1871	
	Augusta	Act May 11, 1870	To Wichita.
	Wichita	Feb. 20, 1872	
	Concordia	Act July 7, 1870	
	Cawker City	June, 1872	To Kirwin.
	Kirwin	Jan. 4, 1875	
	Larned	Act June 20, 1874	
	Hays City	Act June 20, 1874	To Wa-Keeney.
	Wa-Keeney	Oct. 20, 1879	
Louisiana	Opelousas	Act Mar. 3, 1811	February 16, 1861–'66.
	Ouachita	Act Mar. 3, 1811	To Monroe.
	Monroe	Dec. 23, 1867	To New Orleans, Jan. 21, 1879.
	New Orleans	Act Mar. 3, 1811	
	Saint Helena Court House	Act Apr. 25, 1812	To Greensburg.
	Greensburg	Feb. 24, 1837	To Baton Rouge.
	Baton Rouge	Jan 1, 1844	To New Orleans.
	Natchitoches	Act July 7, 1838	
Michigan	Detroit	Act Mar. 26, 1804	
	Monroe	Act Mar. 23, 1823	To White Pigeon Prairie.
	White Pigeon Prairie		To Bronson.
	Bronson		To Kalamazoo.
	Kalamazoo		August 16, 1859.
	New Monroe	Act Jan. 30, 1833	Act June 12, 1840.
	Genesee	Act June 15, 1836	To East Saginaw.
	East Saginaw		
	Sault Ste. Marie	Act Mar. 1, 1847	To Marquette.
	Marquette	July 13, 1857	
	Duncan	May 29, 1854	To Mackinac.
	Mackinac	Mar. 8, 1858	To Traverse City.
	Traverse City	Aug. 2, 1858	Consolidated with Reed City.
	Ionia	Act June 15, 1836	To Reed City.
	Reed City	Apr. 1, 1878	
Minnesota	Brownsville	Act Apr. 12, 1854	To Chatfield.
	Chatfield	June 12, 1856	To Winnebago City.
	Winnebago City	Nov. 4, 1861	To Jackson.
	Jackson	Sept. 1, 1869	To Worthington.
	Worthington	Apr. 20, 1874	
	Minneapolis	Act Apr. 12, 1854	To Forest City.
	Forest City	Mar. 22, 1858	To Minneapolis.
	Minneapolis	Nov. 1, 1862	To Greenleaf,
	Greenleaf	July 3, 1866	To Litchfield.
	Litchfield	Jan. 27, 1870.	To Benson.
	Benson	June 19, 1876	
	Faribault	Act Apr. 12, 1854	To Saint Peter.
	Saint Peter	Dec. 2, 1854	To New Ulm.

List of local land offices from 1800 *to* 1880—Continued.

State.	Location.	When established.	Removed or discontinued.
Minnesota	New Ulm	Mar. 17, 1870	To Tracy.
	Tracy	May 18, 1880	
	Alexandria	Sept., 1868	To Fergus Falls.
	Fergus Falls	Dec. 11, 1876	
	Oak Lake	Act Mar. 12, 1872	To Detroit.
	Detroit		To Crookston.
	Crookston	July 15, 1878	
	Stillwater	May 1, 1853	To Cambridge.
	Cambridge	Dec. 15, 1858	To Sunrise City.
	Sunrise City	July 2, 1860	To Taylor's Falls.
	Taylor's Falls	Oct. 1, 1861	
	Sauk Rapids	Act Aug. 30, 1852	To Saint Cloud.
	Saint Cloud	Apr. 19, 1858	
	Henderson	Act Apr. 12, 1851	May 9, 1863.
	Buchanan	July 8, 1856	To Portland.
	Portland	June 7, 1859	Name changed to Duluth.
	Duluth		
	Ojibway	July 8, 1856	To Otter Tail City.
	Otter Tail City	May 2, 185[illegible]	March 31, 1863.
	Redwood Falls	Act May 21, 1872	
Mississippi	Augusta	Act Apr. 25, 1812 and Mar. 3, 1819	To Paulding.
	Paulding	Jan. 2, 1860	January 12, 1867.
	Washington	Act Mar. 3, 1803	To Jackson, 1866.
	Columbus	Act Mar. 2, 1833	November 1, 1866.
	Mount Salus	Act May 6, 1822	To Jackson.
	Jackson	Aug. 10, 1836	
	Chocchuma	Act Mar. 2, 1833	To Grenada.
	Grenada	July 4, 1840	December 1, 1860.
	Pontotoc	Oct. 20, 1822	September 20, 1854.
Missouri	Saint Louis	Act Mar. 3, 1811	To Boonville, September 1, 1861.
	Franklin	Act Feb. 17, 1818	To Fayette.
	Fayette	July 5, 1832	To Boonville.
	Boonville		
	Jackson	Act Feb. 17, 1818	To Ironton.
	Ironton	July 8, 1861	
	Lexington	Act Mar. 23, 1823	To Clinton.
	Clinton	July 3, 1843	To Warsaw.
	Warsaw	July 18, 1855	To Calhoun.
	Calhoun		February 12, 1863.
	Palmyra	Act May 26, 1824	March 2, 1859.
	Springfield	Act June 26, 1834	Order of March 25, 1863.
	Plattsburg	Act Aug. 29, 1842	April 10, 1859.
	Milan	Act Feb. 2[illegible], 1849	April 8, 1859.
Montana	Helena	June, 1867	
Nebraska	Omaha City	July 22, 1854	To West Point.
	West Point	May 1, 1869	To Norfolk.
	Norfolk	Sept. 9, 1873	
	Brownsville	Mar. 3, 1857	To Beatrice.
	Beatrice	July 7, 1868	
	Nebraska City	July 3, 1868	To Lincoln.
	Lincoln	Sept. 3, 1868	
	Dakota City	July 3, 1868	To Niobrara.
	Niobrara	Oct. 1, 1875	
	Grand Island	Act July 27, 1868	
	North Platte	Sept. 21, 1872	
	Lowell	Aug. 2, 1872	To Bloomington.
	Bloomington		
Nevada	Carson City	Act July 2, 1862	
	Austin	Oct. 15, 1867	To Eureka.
	Eureka	May 26, 1873	
	Belmont	Dec., 1869	To Pioche.
	Pioche	Apr. 30, 1874	September 14, 1877.
	Aurora	Aug., 18[illegible]	To Independence, Cal., May 31, 1873.
	Elko	May, 1873	September 14, 1877.
New Mexico	Santa Fé	Act May 24, 1858	
	La Mesilla	Act Mar. 3, 1874	
Ohio	Marietta	Act May 10, 1800	Act June 12, 1840.
	Zanesville	Act Mar. 3, 1803	Act June 12, 1840.
	Steubenville	Act May 10, 1800	Act June 12, 1840.
	Cincinnati	Act May 10, 1800	Act June 12, 1840.
	Chillicothe	Act May 10, 1800	March 3, 1877.
	Wooster	Act Mar. 3, 1807	Act June 12, 1840.
	Piqua	Act Mar. 3, 1819	June 25, 1855.
	Wappakonnetta	Act Mar. 3, 1819	June 25, 1855.
	Lima	Act Mar. 3, 1819	June 25, 1855.
	Upper Sandusky	Act Mar. 3, 1819	June 25, 1855.
	Defiance	Act Mar. 3, 1819	June 25, 1855.
	Delaware	Act Mar. 3, 1819	Act June 12, 1840.
	Bucyrus	Act Mar. 3, 1819	Act June 12, 1840
	Tiffin	Act Mar. 3, 1819	Act June 12, 1840.
	Marion	Apr. 23, 1836	February 27, 1845.

List of local land offices from 1800 to 1880—Continued.

State.	Location.	When established.	Removed or discontinued.
Oregon	Oregon City	July 17, 1854	
	Winchester	Mar. 3, 1855	To Roseburg.
	Roseburg	Jan. 3, 1860	
	Le Grand	Dec. 11, 1867	
	Linkville	Jan. 16, 1873	To Lakeview.
	Lakeview	Sept. 1, 1877	
	Dalles	Act Jan. 11, 1875	
Wisconsin	Green Bay	Act June 26, 1834	To Menasha.
	Menasha		
	Muskoday	June 26, 1834	To Mineral Point.
	Mineral Point	May 8, 1843	November 25, 1858.
	Milwaukee	Act June 15, 1836	February 14, 1856.
	Hudson	Act Mar. 2, 1849	To Falls Saint Croix.
	Falls Saint Croix	Aug. 6, 1860	
	Stevens Point	Act July 30, 1852	To Wausaw.
	Wausaw	Aug. 19, 1872	
	La Crosse	Act Aug. 2, 1852	
	Superior City	Act Feb. 24, 1855	To Bayfield, October 5, 1860.
	Bayfield		
	Eau Claire	Act Mar. 3, 1857	
Washington	Olympia	July 17, 1854	
	Vancouver	Act May 16, 1860	
	Walla Walla	Act Mar. 3, 1871	
	Colfax	Act Aug. 15, 1876	
	Yakima	Act June 16, 1880	
Utah	Salt Lake City	Act Mar. 9, 1869	
	Beaver City	Act Apr. 25, 1876	Consolidated with Salt Lake City Aug. 1, 1877.
Wyoming	Cheyenne	Act Feb. 5, 1870	
	Evanston	Act Aug. 9, 1876	

List of existing local land offices (96 in number) and names of officers, November 10, 1880.

State or Territory.	Land district.	Register.	Receiver.
Alabama	Huntsville	John M. Cross	W. H. Tancre.
	Montgomery	Pelham J. Anderson	Paul J. Strobach.
Arkansas	Little Rock	Mifflin W. Gibbs.	Charles E. Kelsey.
	Camden	Samuel W. Mallory	Alfred A. Tufts.
	Harrison	John Murphy	Robert S. Armitage.
	Dardanelle	Thomas M. Gibson	Thomas Boles.
Arizona	Prescott	William N. Kelly	George Lount.
	Florence	C. M. K. Paulison	Charles E. Dailey.
California	Marysville	John C Bradley	Lemuel T. Crane.
	Humboldt	Charles F. Roberts	Solomon Cooper.
	San Francisco	William R. Wheaton	Charles H. Chamberlain.
	Sacramento	Edw. F. Taylor	Henry O. Beatty.
	Stockton	George A. McKenzie	Otis Perrin.
	Visalia	Jeremiah D. Hyde	Tipton Lindsey.
	Los Angeles	Alfred James	J. W. Haverstick.
	Shasta	William E. Hopping	Adolph Dobrowsky.
	Susanville	William H. Crane	Andrew Miller.
	Bodie	James E. Goodall	Henry Z. Osborn.
Colorado	Central City	Richard Harvey	E. W. Henderson.
	Denver City	Louis Dugal	Samuel T. Thomson.
	Leadville	John J. Henry	William K. Burchinell.
	Pueblo	Ferdinand Barndollar	Michael H. Fitch.
	Del Norte	John Cleghorn	Charles A. Brastow.
	Lake City	Henry C. Olney	Corelon B. Hickman.
Dakota	Mitchell	B. F. Campbell	John M. Washburn.
	Watertown	Arthur C. Mellette	L. D. F. Poore.
	Bismarck	John A. Rea	Edw. M. Brown.
	Fargo	Horace Austin	Thomas M. Pugh.
	Deadwood	A. S. Stewart	John F. McKenna.
	Yankton	Gustavus A. Wetter	Lott S. Bayless.
	Grand Forks	Byram C. Tiffany	William J. Anderson.
Florida	Gainesville	Lewis A. Barnes	John F. Rollins.
Idaho	Boisé City	John B. Miller	James Stout.
	Lewiston	Jonathan M. Howe	Richard J. Monroe.
	Oxford	Augustus Dudenhausen	A. W. Eaton.
Iowa	Des Moines	Felix G. Clarke	H. H. Griffiths.
Kansas	Topeka	William H. Fitzpatrick	George W. Watson.
	Concordia	Boyd H. McEckson	Evan J. Jenkins.
	Wa-Keeney	Benjamin J. F. Hanna	William H. Pilkenton.
	Independence	Melville J. Salter	Henry M. Waters.
	Kirwin	Thomas M. Helm	Lewis J. Best.
	Larned	Charles A. Morris	Henry Booth.
	[illegible]	John M. Hodge	Lewis Hanback.
	[illegible]	Richard L. Walker	James L. Dyer.

List of existing local land offices and names of officers—Continued.

State or Territory.	Land district.	Register.	Receiver.
Louisiana	New Orleans	George Baldy	William M. Burwell.
	Natchitoches	Louis Dupleix	Alexis E. Lemee.
Michigan	Detroit	J. B. Bloss	John M. Farland.
	East Saginaw	Charles Doughty	Fred. J. Burton.
	Marquette	Henry M. Stafford	James M. Wilkinson.
	Reed City	Edward Stevenson	William H. C. Mitchell.
Minnesota	Benson	Darwin S. Hall	Heman W. Stone.
	Crookston	Thomas C. Shapleigh	Paul C. Sletten.
	Du Luth	Morris C. Russell	Thomas H. Pressnell.
	Fergus Falls	Soren Listol	John H. Allen.
	Tracy	Charles B. Tyler	Charles C. Goodnow.
	Redwood Falls	W. P. Dunnington	W. B. Herriott.
	Saint Cloud	Daniel H. Freeman	William B. Mitchell.
	Taylor's Falls	John B. Owens	George B. Folsom.
	Worthington	Mons Grinager	Justin P. Moulton.
Mississippi	Jackson	Richard C. Kerr	A. N. Kimball.
Missouri	Boonville	Gustave Reiche	George Ritchey.
	Ironton	George A. Moser	Llewellyn Davis.
	Springfield	George A. C. Wooley	James Dumars.
Montana	Bozeman	Davis Willson	J. V. Bogert.
	Helena	James H. Moe	Frank P. Sterling.
	Miles City	Edward A. Kriedler	T. P. McElrath.
Nebraska	Beatrice	Hiram W. Parker	Robert B. Harrington.
	Bloomington	Simon W. Switzer	George W. Dorsey.
	Grand Island	Melville B. Hoxie	William Anyan.
	Lincoln	Joseph B. McDowell	C. N. Baird.
	Niobrara	Benjamin F. Chambers	James Stott.
	Norfolk	Edward S. Butler	William B. Lambert.
	North Platte	Alex. D. Buckworth	John Taffe.
Nevada	Carson City	C. A. Witherell	Samuel C. Wright.
	Eureka	F. H. Hinckley	Harvey Carpenter.
New Mexico	La Mesilla	George D. Bowman	Samuel W. Sherfey.
	Santa Fé	John C. Davis	Elias Brevoort.
Oregon	Le Grand	Henry W. Dwight	Daniel Chaplin.
	Lake View	James H. Evans	George Conn.
	Oregon City	Louis T. Barin	John W. Watts.
	Roseburg	William F. Benjamin	James C. Fullerton.
	The Dalles	Laban Coffin	Caleb N. Thornbury.
Washington	Colfax	James M. Armstrong	Edgar N. Sweet.
	Olympia	Josiah T. Brown	Robert G. Stuart.
	Vancouver	Walter W. Newlin	Samuel W. Brown.
	Walla Walla	Edw. H. Morrison	Alex. Reed.
	Yakima	R. B. Kinne	James M. Adams.
Wisconsin	Bayfield	John H. Knight	Isaac H. Wing.
	Eau Claire	J. Gardner Callahan	Vincent W. Bayless.
	Falls of Saint Croix	Michael Field	Joel F. Nason.
	La Crosse	Ferdinand A. Husher	John Ulrich.
	Menasha	George W. Fay	Norman Thatcher.
	Wausaw	Stephen H. Alban	William Callon.
Wyoming	Cheyenne	Edgar W. Mann	William M. Garvey.
	Evanston	William G. Tonn	Henry R. Crosby.
Utah	Salt Lake City	H. McMaster	Moses M. Bane.

Registers and receivers are paid an annual salary of $500 each, and are allowed fees up to and including $3,000 per annum each.

CHAPTER VII.

SURVEYS OF THE PUBLIC LANDS.

The cessions of the several States were organized from time to time into geographical divisions by the laws creating them and the lands were ordered to be surveyed, including lands to which the Indian title had been or would be extinguished. The same proceeding took place with purchased territory in 1803, 1819, 1848, 1850, and 1853.

The extension of the surveys being authorized by Congress over a district of country, the Commissioner of the General Land Office directs the surveyor-general of the district, whose office is created by the law prior to extending the surveys, to begin the same.

THE RECTANGULAR SYSTEM.

The land surveys under the United States are uniform and done under what is known as the "rectangular system." This system of surveys was reported from a committee of Congress May 7, 1784. The committee consisted of Thomas Jefferson, chairman; Messrs. Williamson, Howell, Gerry, and Reas.

This ordinance required the public lands to be divided into "*hundreds*" of ten geographical miles square, and those again to be subdivided into lots of one mile square each, to be numbered from 1 to 100, commencing in the northwestern corner and counting from west to east and from east to west continuously; and also that the lands thus subdivided should be first offered at public sale. This ordinance was considered, debated, and amended; and on the 3d of May, 1785, on motion of Mr. Grayson, of Virginia, seconded by Mr. Monroe, the size of the townships was reduced to six miles square. It was further discussed until the 20th of May, 1785, when it was finally passed.

The origin of this system is not known beyond the committee's report. There had been land surveys in the different colonies for more than a hundred years; still the method of granting land for settlements in vogue in all the colonies was in irregular tracts, except in the colony of Georgia, where, after 1733, eleven townships of 20,000 square acres each were divided into lots of 50 acres each.

The act of cession of the State of Virginia of her western territory provided for the formation of States from the same not less than one hundred nor more than one hundred and fifty miles square.

This square form of States may have influenced Mr. Jefferson in favor of a square form of survey, and besides the even surface of the country was known, the lack of mountains and the prevalence of trees for marking it also favoring a latitudinal and longitudinal system. Certain east and west lines run with the parallels of latitude, and the north and south township lines with the meridians.

The system as adopted provided for sale in sections of 640 acres, one mile square. In 1820 a quarter-section, or 160 acres, could be purchased. In 1832 subdivisions were ordered by law into 40-acre tracts or quarter-quarter-sections to settlers, and in 1846 to all purchasers. On May 18, 1796, the ordinance of May 20, 1785, was amended; also on May 10, 1800, on the introduction of land offices and credit sales, and on February 11, 1805; April 24, 1820; April 5, 1832; and May 30, 1862. (For existing laws on surveys

see chapter IX, United States Revised Statutes, "Survey of the public lands," sections 2395 to 2413.)

Since the inauguration of the system it has undergone modification in regard to the establishment of standard lines and initial points, the system of parallels or correction lines, as also of guide meridians, having been instituted, contributing largely toward its completeness.

SURVEYS OF BOUNDARY LINES BETWEEN STATES.

Surveys of boundary lines between States are done by special contract under special laws authorizing the same, the Secretary of the Interior awarding the contracts thereunder.

Since 1862 the following boundary lines have been run at rates per mile as stated:

	Total.
Oregon and Washington, at $46 per mile	$4,500
Oregon and Idaho, $60 per mile, about	9,600
North boundary of New Mexico, $60 per mile	19,000
California and Oregon, $60 per mile	13,847
North boundary of Utah, $42 per mile	40,750
East boundary of Nevada, $40 per mile	17,000
West boundary of Kansas, $40 per mile	8,400
North boundary of Nevada, $50 per mile	15,400
South boundary of Wyoming, $60 per mile	22,056
West boundary of Wyoming, $50 per mile	13,850
North boundary of Nebraska, $36 per mile	8,069
Idaho and Washington line, $60 per mile	10,590
North part of east boundary of New Mexico and part of east part of south boundary of Colorado, $40 per mile	3,662
Arizona and New Mexico, $70 per mile	27,342
South part of the west boundary of Dakota, $50 per mile	7,000
Colorado and Utah boundary, $53 per mile	15,000
Arkansas and Indian Territory boundary	11,880
Aggregate	254,427

The boundary surveys were made by authority of various acts of Congress appropriating money for that purpose from year to year.

SURVEYS OF ISLANDS.

Surveys of islands and keys on the sea-coast are made by the Coast Survey, under special laws.

All other lands of the United States and classes of surveying are done by the surveyors-general and their contract or mineral deputies under direction of the Commissioner of the General Land Office.

SURVEYS OF INDIAN RESERVATIONS.

Surveys of Indian reservations by the act of April 8, 1864, now devolve upon the General Land Office. Prior to that act the surveys of Indian lands under treaty stipulation were made by direction of the Indian Office.

METHODS AND SYSTEM OF LAND PARCELING SURVEYS.

Preliminary to surveying a district, a surveying meridian and base line must be established.

GEOGRAPHICAL POSITIONS OF THE PRINCIPAL SURVEYING MERIDIANS AND BASE-LINES.

Since the adoption of the rectangular system of public surveys, May 20, 1785, twenty-four initial points, or the intersection of the principal bases with surveying meridians, have been brought into requisition to secure the certainty and brevity of description in the transfer of public lands to individual ownership. From the principal

bases townships of six miles square are run out and established, with regular series of numbers counting north and south thereof, and from the surveying meridians a like series of ranges are numbered both east and west of the principal meridians.

During the period of ninety years since the organization of the system the following numerical and independent principal meridians and bases have been initiated, to wit:

The first principal meridian divides the States of Ohio and Indiana, having for its base the Ohio River, the meridian being coincident with 84° 51′ of longitude west from Greenwich. The meridian governs the surveys of public lands in the State of Ohio.

The second principal meridian coincides with 86° 28′ of longitude west from Greenwich, starts from the confluence of the Little Blue River with the Ohio, runs north to the northern boundary of Indiana, and governs the surveys in Indiana and a portion of those in Illinois.

The third principal meridian starts from the mouth of the Ohio River and extends to the northern boundary of the State of Illinois, and governs the surveys in said State *east* of the meridian, with the exception of those projected from the second meridian, and the surveys on the *west* to the Illinois River. This meridian coincides with 89° 10′ 30″ of longitude west from Greenwich.

The fourth principal meridian begins in the middle of the channel of the mouth of the Illinois River, in latitude 38° 58′ 12″ north and longitude 90° 29′ 56″ west from Greenwich, and governs the surveys in Illinois west of the Illinois River and west of the third principle meridian lying north of the river. It also extends due north through Wisconsin and Northeastern Minnesota, governing all the surveys in the former and those in the latter State lying east of the Mississippi and the third guide meridian (west of the fifth principal meridian) north of the river.

The fifth principal meridian starts from the mouth of the Arkansas River, and, with a common base-line running due west from the mouth of the Saint Francis River, in Arkansas, governs the surveys in Arkansas, Missouri, Iowa, Minnesota west of the Mississippi, and the third guide meridian north of the river, and in Dakota Territory east of the Missouri River. This meridian is coincident with 90° 58′ longitude west from Greenwich.

The sixth principal meridian coincides with longitude 97° 22′ west from Greenwich, and, with the principal base line intersecting it on the 40th degree of north latitude, extends north to the intersection of the Missouri River and south to the 37th degree of north latitude, controlling the surveys in Kansas, Nebraska, that part of Dakota lying south and west of the Missouri River, Wyoming, and Colorada, excepting the valley of the Rio Grande del Norte, in Southwestern Colorado, where the surveys are projected from the New Mexico meridian.

In addition to the foregoing six principal meridians and bases governing public surveys, there have been established the following meridians and bases, viz:

The Michigan meridian, in longitude 84° 19′ 09″ west from Greenwich, with a base-line on a parallel seven miles north of Detroit, governing the surveys in Michigan.

The Tallahassee meridian, in longitude 84° 18′ west from Greenwich, runs due north and south from the point of intersection with the base line at Tallahassee, and governs the surveys in Florida.

The Saint Stephen's meridian, longitude 88° 02′ west from Greenwich, starts from Mobile, passes through Saint Stephen's, intersects the base line on the 31st degree of north latitude, and controls the surveys of the southern district in Alabama and of the Pearl River district lying east of the river and south of township 10 north in the State of Mississippi.

The Huntsville meridian, longitude 86° 31′ west from Greenwich, extends from the northern boundary of Alabama as a base, passes through the town of Huntsville, and governs the surveys of the northern district in Alabama.

The Choctaw meridian, longitude 89° 10′ 30″ west from Greenwich, passes two miles west of the town of Jackson, in the State of Mississippi, starting from the base line twenty-nine miles south of Jackson, and terminating on the south boundary of the

Chickasaw cession, controlling the surveys east and west of the meridian and north of the base.

The Washington meridian, longitude 91° 05′ west from Greenwich, seven miles east of the town of Washington, in the State of Mississippi, with the base line corresponding with the 31st degree of north latitude, governs the surveys in the southwestern angle of the State.

The Saint Helena meridian, 91° 11′ longitude west from Greenwich, extends from the 31st degree of north latitude, as a base, due south, and passing one mile east of Baton Rouge, controls the surveys in the Greensburgh and the southeastern districts of Louisiana, both lying east of the Mississippi.

The Louisiana meridian, longitude 92° 20′ west from Greenwich, intersects the 31st degree north latitude at a distance of forty-eight miles west of the eastern bank of the Mississippi River, and, with the base line coincident with the said parallel of north latitude, governs the surveys in Louisiana west of the Mississippi.

The New Mexico meridian, longitude 106° 52′ 09″ west from Greenwich, intersects the principal base line on the Rio Grande del Norte about ten miles below the mouth of the Puerco River, on the parallel of 34° 19′ north latitude, and controls the surveys in New Mexico, and in the valley of the Rio Grande del Norte, in Colorado.

The Great Salt Lake meridian, longitude 111° 53′ 47″ west from Greenwich, intersects the base line at the corner of Temple Block, in Salt Lake City, Utah, on the parallel of 40° 46′ 04″ north latitude, and governs the surveys in the Territory of Utah.

The Boisé meridian, longitude 116° 20′ west from Greenwich, intersects the principal base between the Snake and Boisé Rivers, in latitude 43° 26′ north. The initial monument, at the intersection of the base and meridian, is nineteen miles distant from Boisé City, on a course of south 29° 30′ west. This meridian governs the surveys in the Territory of Idaho.

The Mount Diablo meridian, California, coincides with longitude 121° 54′ west from Greenwich, intersects the base line on the summit of the mountain from which it takes its name, in latitude 37° 53′ north, and governs the surveys of all Central and Northeastern California and the entire State of Nevada.

The San Bernardino meridian, California, longitude 116° 56′ west from Greenwich, intersects the base line at Mount San Bernardino, latitude 34° 06′ north, and governs the surveys in Southern California lying east of the meridian and that part of the surveys situated west of it which are south of the eighth standard parallel south of the Mount Diablo base line.

The Humboldt meridian, longitude 124° 11′ west from Greenwich, intersects the principal base line on the summit of Mount Pierce, in latitude 40° 25′ 30″ north, and controls the surveys in the northwestern corner of California lying west of the Coast range of mountains and north of township 5 south of the Humboldt base.

The Willamette meridian is coincident with longitude 122° 44′ west from Greenwich, its intersection with the base line is on the parallel of 45° 30′ north latitude, and it controls the public surveys in Oregon and Washington Territory.

The Montana meridian extends north and south from the initial monument established on the summit of a limestone hill, eight hundred feet high, longitude 111° 40′ 54″ west from Greenwich. The base line runs east and west from the monument on the parallel of 45° 46′ 27″ north latitude. The surveys for the entire Territory of Montana are governed by this meridian.

The Gila and Salt River meridian intersects the base line on the south side of the Gila River, opposite the mouth of Salt River, in longitude 112° 15′ 46″ west from Greenwich, and latitude 33° 22′ 57″ north, and governs the public surveys in the Territory of Arizona.

The Indian meridian intersects the base line at Fort Arbuckle, Indian Territory, in longitude 97° 15′ 56″ west from Greenwich, latitude 34° 31′ north, and governs the surveys in that Territory.

ADMINISTRATION AND METHOD OF THE SURVEYS.

The public surveys are conducted under the direction of the principal clerk of surveys, controlled by the Commissioner of the General Land Office, and under the immediate superintendence of sixteen surveyors-general in their respective surveying districts into which, at present, the public lands are divided.

The surveyors-general, whose offices are conveniently located in their districts and well appointed with personal and other facilities for the business, enter into contracts with professional surveyors, whom they commission as their deputies, and who are thoroughly acquainted with the system and the official requirements in regard to field operations. Surveying contracts describe the particular field-work to be executed, time within which it is to be completed, consideration stipulated at so much per lineal mile of surveying, including all expenses of the surveyor, his party and instruments, together with the proper returns of survey to the office of the surveyor-general, to be accompanied by an affidavit of the surveyor to the effect that the work was performed by him, in his own proper person, in accordance with his contract and the manual of surveying instructions, and in strict conformity to the laws governing the survey.

The party of the deputy surveyor generally consists of two chainmen, flagman, axeman, and two moundmen, whose duties are to assist him in running, measuring, and marking the lines, and constructing and setting corner boundaries. They are sworn to perform their respective duties with fidelity before they enter on the same, and on completing the work they make affidavits to the effect that the deputy surveyor was assisted by them in the survey which they describe, and that it has been executed in all respects well and faithfully.

To guard the Government from any loss that might be occasioned by erroneous or fraudulent surveys on the part of the surveyor, he is required to give bond, with approved securities, in double the amount of his contract; and when his unfaithfulness is detected the delinquent deputy and his bondsmen are punishable by law, and the surveyor debarred from future employment in like capacity.

Upon the return of surveys to the surveyor-general, consisting of original field-notes and a topographical sketch of the country surveyed, the work is examined, and if, on applying the usual tests, it is found to be correctly executed, the surveyor-general approves the field-notes; whereupon the draughtsman protracts the same on township plats in triplicate, and, after approving the plats, the surveyor-general files the original in his office, to be ultimately delivered to State authorities upon closing of United States surveys in the States; the duplicate is sent to the local land office to enable the register and receiver of public lands to dispose of the lands embraced in the several townships, and the triplicate is transmitted to the Commissioner of the General Land Office for the information of the Government.

The manual of instructions for surveyors-general to regulate the field operations of deputy surveyors, prepared by the Commissioner of the General Land Office, 1855, was, by the second section of the act of May 30, 1862, legalized. This manual was prepared February 22, 1855, by the principal clerk of surveys. It describes the method in the field and is illustrated by diagrams. Special instructions are sometimes issued.

EXECUTION OF SURVEYS.

The United States surveyor-general for the district enters into contract with a deputy surveyor, after being commissioned, for the survey of either standards, townships, or subdivisions. The contract specifies the localities where surveys are to be made, duration of the time within which the work is to be returned, the price of survey per lineal mile, including all contingent expenses to be borne by the deputy surveyor, who is required to execute the work in his own proper person, sub-contracting being illegal, and the contract must be approved by the Commissioner of the General Land Office.

The lines of public surveys over level ground are measured with a four-pole chain,

sixty-six feet in length, 80 chains constituting one lineal mile, but with a two-pole chain where the features of the country are broken and hilly. The lines thus chained are marked through timber land by chops on line-trees on each side, and in the absence of such trees those standing nearest the survey on both sides are blazed diagonally toward the line run. Trees standing at the precise spot where legal corners are required are made available. If no such trees are there, then the corners are perpetuated by posts or stones, with inscriptions, and the positions of the same are indicated by witness trees or mounds, the angular bearin gs and distances from the corner being ascertained and described in the field-notes. The lines intersecting navigable streams, the area of which are excluded from sale, require the establishment of meander corner-posts, the courses and distances on meandered navigable streams governing the calculations from which the true contents of fractional lots are computed and expressed on township plats. Township corner-posts, or stones common to four town ships, are set diagonally, properly marked with six notches on each of the four angles set to the cardinal points of the compass; and mile posts on township lines are marked with as many notches on them as they are miles distant from the township corners respectively; the four sides of the township and section posts, which are common to four townships or sections, are marked with the corresponding number of sections. See accompanying diagrams.

The principal meridian, base, standard and, guides having been first measured and marked, and the corner boundaries thereon established, the process of surveying and marking the exterior lines of townships, north and south of the base, and east and west of the meridian, within those standard lines, is shown on accompanying diagrams.

The public lands are first surveyed into rectangular tracts, according to the true meridian, noting the variation of the magnetic needle. These tracts are called townships, each six miles square, having reference to an established principal base line on a true parallel of latitude, and to longitude styled principal meridian. Any series of contiguous townships, north or south of each other, constitutes a range; the townships counting from the base, either north or south, and the ranges from the principal meridian, either east or west. Each township is subdivided into 36 sections of one mile square, or 640 acres, in all, 23,040 acres.

In establishing and surveying a base-line from the initial point east and west, quarter-section, section, and township corners are established at every 40, 80, and 480 chains, respectively, which are for sections and townships lying north of the base, and not for those situated south.

In surveying the principal meridian north and south of the initial point, similar corners are established, which are common for townships lying immediately east or west. Standard parallel or correction lines are run east and west from the principal meridian with similar character of corners, as on the principal base and meridian, and constitute special bases for township lines lying north thereof, the correction lines being run and marked at every four townships, or 24 miles north of the base, and at every five townships, or 30 miles south of the same.

Guide meridians are surveyed at distances of every eight ra nges of townships, or 48 miles east and west of the principal meridian; the guid es north of the principal base starting either from it or from standard parallels. The y are closed by meridional lines on other standard parallels immediately north, while those lying south of the principal bases start in the first instance from the first standard parallel south, and are closed by meridional lines on the principal base. Then the guides begin on the second standard parallel sou th, and close on the first standard parallel south, again starting from the third standard parallel south, and closing o n the second standard parallel south, and so on. The closing corners on the principal base and standard parallel are established at points of convergency of the meridians, which occasion a double set of corners on the principal base and correction, or standard parallels, styled "standard corners" and "closing corners." This process requires offsetting of the guide meridians to the extent of the convergency of the meridians on each of the standard parallels and bases.

The principal base, principal meridian, standard parallels, and guide meridians, constitute a framework of the rectangular system of public surveys. Within these limits any errors are avoided which otherwise would result from adhering to the surveys made as the law directs, to the true meridian, in consequence of the convergency of meridians and of measurement over uneven surfaces.

The surveys of the standard lines are made with instruments operating independently of the magnetic needle, the magnetic being noted solely to show the true variation. These lines divide the sphere of field operations into parallelograms of 48 by 24 miles north of the principal base, and 48 by 30 miles south, the convergency of the meridians in the former instance being greater than in the latter.

The parallelograms formed by meridians and parallels are in their turn subdivided into townships, and the latter ultimately into sections with an ordinary but perfectly adjusted compass. These parallelograms also serve to connect distant surveys from those progressing regularly from the initial point, if first required, for the convenience of remote settlements or other considerations.

The township lines start from the standard corners, pre-established on the principal base and standard or correction parallels, and are surveyed to the extent required within each parallelogram. On those lines quarter-section, section, and township corners are fixed to govern the subdivisional work of the townships into 36 sections.

The sections of one mile square are the smallest tracts, the out-boundaries of which the law requires to be actually surveyed. Their minor subdivisions, represented in dotted lines on the accompanying diagram, are not surveyed and marked in the field. They are defined by law, and the surveyors-general, in protracting township plats from the field-notes of sections, merely designate them in red ink, the lines being imaginary, connecting opposite quarter-section corners in each section from south to north, and from east to west, thereby dividing sections into four quarter-sections of 160 acres each, and these, in their turn, into quarter-quarter-sections of 40-acre tracts, by imaginary lines, starting from the equidistant points between the section and quarter-section corners to similar points on the opposite sides of the section.

Each sec ion containing 640 acres, subdivided into legal subdivisions, affords forty different descriptions, susceptible of being disposed of to purchasers, from 640-acre tracts to 40-acre parcels.

This convenient mode of subdividing sections with a view to economy and to facilitate sales of small tracts, although not actually marked on the ground by metes and bounds, yet under laws of Congress are susceptible of demarkation by any surveyor in the different States and Territories in accordance with the field-notes of the original survey made by United States officers.

The instruments employed in the field-work by United States surveyors consist of solar compasses, transits, and common compasses of approved construction; four-pole chains and two-pole chains, of 100 and 50 links, respectively, each link of the chain being equal to 7.92 inches. The surveyors' chains are compared with standard chains and standard yard measures furnished surveyors-general by the government. The measurement of the lines of public surveys is horizontal, requiring shortening of the chain over abrupt and undulating surface; the navigable lakes and water-courses are segregated from the land, the same being declared by law public highways and not subject to sale.

SPECIAL SURVEYS MADE ON PRIVATE APPLICATION.

Under sections 2401 to 2403, Revised Statutes United States, settlers in any township on the public domain, not mineral or reserved and unsurveyed, can make application to a surveyor-general for a survey of the same—which is done in the manner above set out—accompanied by a certificate of deposit from a United States depositary, covering the amount estimated as necessary to pay for the same. The lands are then surveyed and duly returned. The triplicate certificate of deposit retained by the settlers is received at the various district land offices in payment for lands under the

pre-emption and homestead laws. (See circular of March 5, 1880, General Land Office.)

This system is in fact a temporary loan of money by individuals to the United States to pay for surveys, which the United States repays to the lenders by receiving for lands the evidences of deposit, which are assignable at their full value.

This law gives ample and frequent opportunities for gross and serious abuses. (See annual reports of Commissioner of General Land Office for area and amounts of these special surveys.)

SPECIAL EXAMINATIONS OF SURVEYS.

It is to be supposed that surveyors-general, acting in accordance with instructions, exercise due care in the selection of deputies with whom they contract for the execution of surveys. The returns of the surveys are examined by them and forwarded to the General Land Office for final examination, approval, or rejection. The deputy surveyors are provided with the general instructions authorized by law, embraced in the volume well known as "The Manual," and special instructions adapted to the locality or peculiar circumstances which may attend the operations they propose to execute. When necessary, special instructions are accompanied by diagrams, illustrating the determinations of principal lines of public surveys with all the accuracy attainable upon the uneven surface of a spheroidal body like the earth, where computations based upon a given elevation above sea-level cannot apply with accuracy to all points of an ever-changing surface upon the same degree of latitude. In all cases the instructions set forth in detail the manner in which legal corners should be established, marked, and witnessed for subsequent identification.

Notwithstanding these precautions, it is often found necessary, in response to charges or complaints filed by residents, to institute special examinations, testing the fidelity of adherence by sworn deputies to the letter of their obligations.

For these examinations, see annual reports of the Commissioner of the General Land Office.

WHAT LANDS ARE SURVEYED.

Under date August 23, 1876, instructions, modified in accordance with the requirements of the act of appropriation, were issued by the Commissioner of the General Land Office to the several surveyors-general, substantially as follows:

By an act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1877, and for other purposes, approved July 31, 1876, there was appropriated:

1st. "For survey of the public lands and private land claims, three hundred thousand dollars: *Provided*, That the sum hereby appropriated shall be expended in such surveys as the public interest may require, under the direction of the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, and at such rates as the Secretary of the Interior shall prescribe, not exceeding the rate herein authorized: *Provided*, That no lands shall be surveyed under this appropriation except—

"First. Those adapted to agriculture without artificial irrigation.

"Second. Irrigable lands, or such as can be redeemed, and for which there is sufficient accessible water for the reclamation and cultivation of the same, not otherwise utilized or claimed.

"Third. Timber lands bearing timber of commercial value.

"Fourth. Coal lands containing coal of commercial value.

"Fifth. Exterior boundary of town sites.

"Sixth. Private land claims.

"The cost of such surveys shall not exceed ten dollars per mile for standard lines, and the starting-point for said surveys may be established by triangulation; seven dollars for township and six dollars for section lines, except that the Commissioner of the General Land Office may allow for the survey of standard lines in heavily timbered land a sum not exceeding thirteen dollars per mile." "*And provided further*, That before any land granted to any railroad company by the United States shall be conveyed to such company, or any person entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost

of surveying, collecting, and conveying the same by the said company or perso interest."

In conformity to law the Secretary of the Interior, under date of the 22d in (August, 1876), out of said appropriation of $300,000, apportioned the sum of $ for the surveys in your surveying district at the rates prescribed by law, which not be exceeded in letting contracts for the field-work, *specifically authorized und six heads hereinbefore enumerated*, and you are hereby directed not to expend any p of the apportionment in the survey of any other quality of lands than such a prescribed.

This system still continues.

CLASSIFICATION OR DEFINITION.*

Under existing laws, the deputy surveyors note the character of the lands in thei notes, as agricultural, timber, mineral, &c., and the natural and artificial objects. are entered upon the township plats in detail, showing the topography of the sur township. This description is subject to correction or amendment by proof, manner indicated by the "Instructions from the General Land Office;" also, "I tions in cases of contest and charges of fraud." See accompanying map for illus of classification by a deputy surveyor, being copy of a township plat on file district land office at Salt Lake City, Utah, and from which the lands are sold district officers.

GEOLOGICAL SURVEYS UNDER GENERAL LAND OFFICE.

The lead, copper, and other mineral lands in Iowa, Michigan, Minnesota, Wis and Missouri were first the subject of a geological survey under the Genera Office, and after this were surveyed under the rectangular or usual system, a in legal sub-divisions, the soil carrying with it the mineral.

The following table shows the geological surveys of the public domain un General Land Office:

Geological surveys of public domain under the General Land Office.

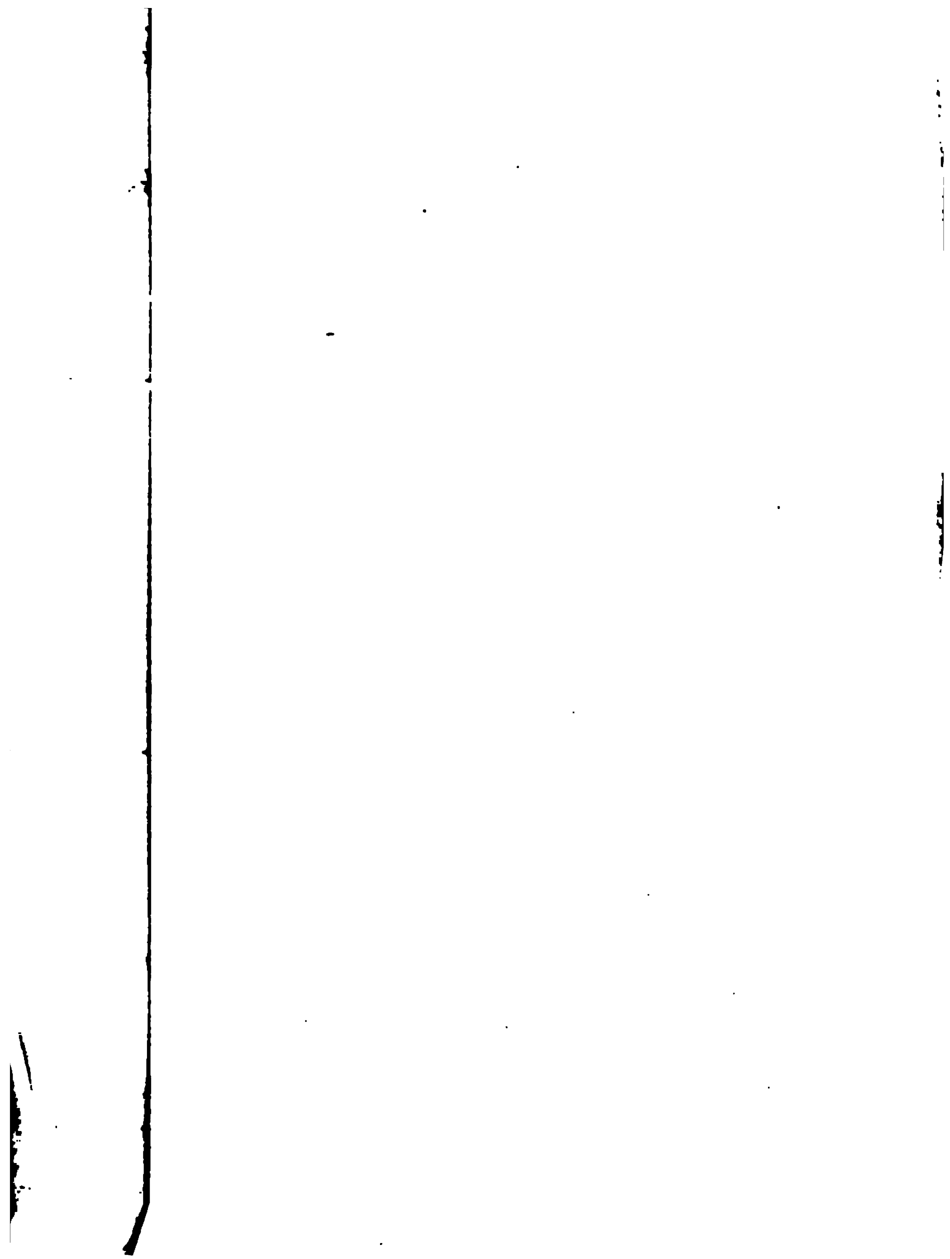
State and Territory.	Names of geologists.	Acts of Congress.	United States statutes.	Date of [illegible] tio[illegible]
Southern Peninsula of Michigan.	Douglas Houghton.	June 17, 1844	Vol. 5, p. 691..	June 25, [illegible]
Chippewa land district, Wisconsin and Iowa.	David Dale Owen.	March 3, 1847	Vol. 9, p. 165 .	April 16, [illegible]
Lake Superior land district, Michgan.	Charles T. Jackson.	March 1, 1847	Vol. 9, p. 146..	April 16, [illegible]
Do.	Whitney & Foster	March 1, 1847	Vol 9, p. 146..	May 16, [illegible]
Oregon and Washington....	John Evans.....	March 3, 1853 / March 3, 1855	Vol. 10, p. 650	April 14, [illegible] / March 20, [illegible]
Nebraska, Wyoming, and Colorado.	Ferd. V. Hayden..	March 2, 1867	Vol. 14, p. 470..	April 29, [illegible]
Wyoming and Colorado.	....do............	July 20, 1868	Vol. 15, p. 119..	July 28, [illegible]

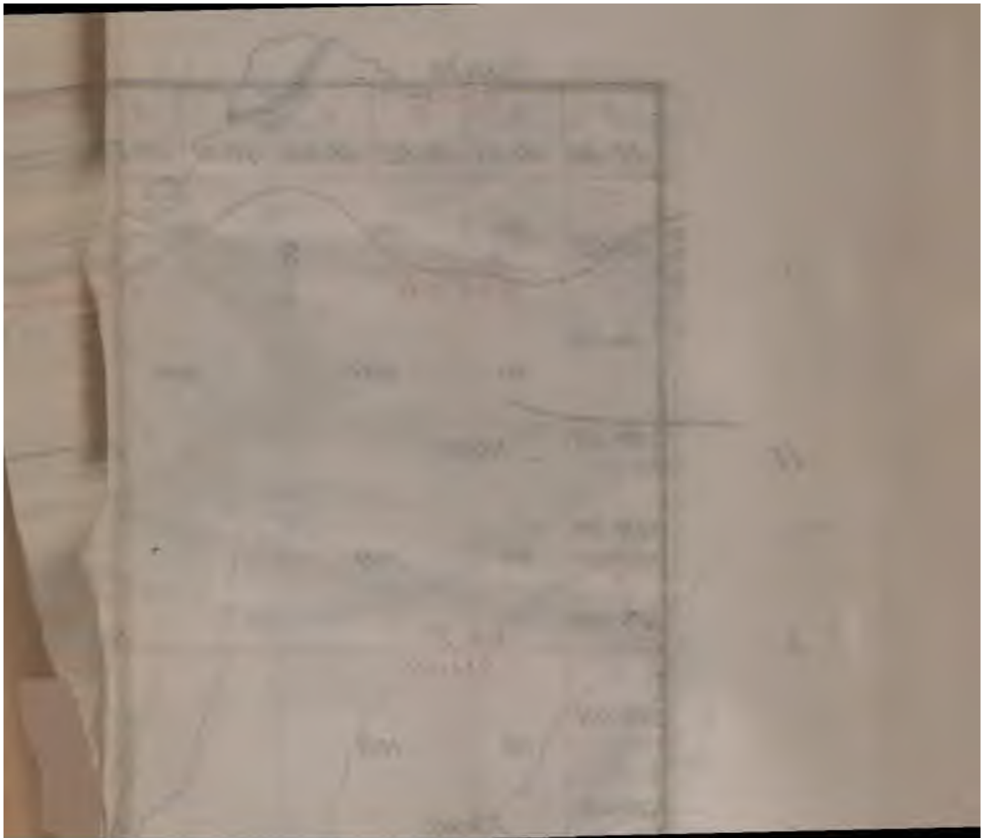
The geological survey of the Territories of the United States by F. V. Hayd continued under authority of act of Congress approved March 3, 1869 (15 Stats., p. under the direction of the Secretary of the Interior exclusively, and discontin the 30th day of June, 1879. (See 20 Stats., p. 394.)

METHOD OF SURVEYING MINERAL CLAIMS.

Under the provisions of the mining act of July 26, 1866, the surveyors-general several districts divided their jurisdictions into mineral surveying districts, by g

* Section 2409, Revised Statutes, authorizes the Secretary of the Interior to introduce the g method of surveys of public lands in Oregon and California, if he deems it advisable, and secti provides for a departure from the rectangular method of survey in California, if he deems prop may also vary the lines of survey from a rectangular form—to suit the circumstances of the co in Nevada.





ing counties or parts of counties, and gave each district a numerical designation from one upward. Deputy mineral surveyors were appointed for each of these districts by the surveyors-general. Lode claims were limited in length to not exceeding 200 feet for each individual, with one additional claim for discovery; no location by an association of individuals to exceed 3,000 feet. The width of locations was regulated by the local rules of miners in each district.

The method of application for survey and return of survey of a mining claim, in compliance with the act above stated, can be found in the act and in the instructions from the General Land Office on this subject, of date January 14, 1867. This system of establishing mineral surveying districts for mineral surveys was discontinued by the act of May 10, 1872.

The act of May 10, 1872, was to cure the defects in the act of July 26, 1866, and to complete a system of survey and disposition of mineral lands, containing gold, silver, cinnabar, and other valuable minerals.

Under this act the surveyors-general appoint a sufficient number of surveyors of mineral claims, called deputy mineral surveyors. The maximum rates of charges for such surveys may be fixed by the Commissioner of the General Land Office. (See R. S., sec. 2334.)

Claimants pay all expenses of survey, and make deposits for platting and other expenses up to the issuing of patents. The statute provides the method of posting and other incidents pertaining to the procedure for obtaining patent. Mineral districts can be formed from the public domain, whether surveyed or not. (See chapter on "Mines on the Public Domain.")

CLASSIFICATION OF MINERAL LAND.

The method of classification of mineral lands on the public domain, when the lines of the public surveys are being extended over them, is as follows:

At the time of survey in the field the deputy surveyor notes on his field-notes (which remain permanently in the surveyor-general's office, a copy being sent to the Commissioner of the General Land Office) the character of the country, both from observation and information from persons, if any there be, having knowledge of the same. This makes up the general topography. He describes the country by sections one mile square. When the deputy makes up his plats he enters upon them the topography noted in his field-notes and returns the same to the surveyor-general, who prepares three copies thereof. One of the township plats, with a copy of the field-notes, is sent to the General Land Office, to be used in checking all entries or changes of entries made in the district land office. If the land surveyed is returned as mineral, the Commissioner at once issues notice to the land office of the district in which the lands lie of the withdrawal of the same from agricultural or entry other than as mineral. Claimants of mining claims may make application for survey to the surveyor-general, as provided by law, and the surveys of their claims will be made by a mineral deputy, with or without reference to the lines of the rectangular system. Still they can and may be used for points of determination and reference. Proof is admissible, upon contest in the district land offices between claimants, as to its mineral or non-mineral character. The register and receiver render an opinion on the case, which is forwarded to and approved or disapproved by the Commissioner of the General Land Office, and after his action is subject to appeal to the Secretary of the Interior. In case the rectangular surveys are not extended over the lands containing mineral, the claimant, whether a mining district has been formed by the miners or not, applies to the surveyor-general, who orders a survey by a deputy mineral surveyor, and the law is followed. Mining claims are surveyed whether public land surveys have been made or not. The survey of a mining claim—lode, vein, or placer—has no reference necessarily to any other surveys or system of surveys. (Sections 2330, 2331, R. S.; see accompanying maps.)

Placer claims, not exceeding 160 acres, located in conformity with law, may be surveyed independent of the land-parceling surveys; but when they are within the limits

of surveyed lands and conform to legal subdivisions, no further survey is nec
All placer claims after May 10, 1872, must conform as nearly as possible to th
parceling or rectangular system of surveys. Ten-acre claims are recognized;
acre lots being subdivided into ten-acre lots.

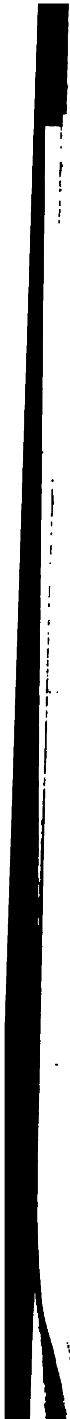
THE BENEFITS OF THE PRESENT SYSTEM OF LAND PARCELING.

The rectangular system came in at the birth of the public domain. It started to the opening of the lands for sale in the territory northwest of the river Ohio, survey of the first seven ranges of townships therein adjoining Pennsylvania. It ward covered the territory south of the river Ohio, and thence was applied to tl Natchez settlement, in the present State of Mississippi. It now extends over por if not all, of every land State and Territory in the Union. It has been in oper for about ninety years, and has been a faithful friend to the settlers on the p domain.

In the extensive sphere over which the surveys have progressed from Floric the Atlantic, and westward to the Pacific, including all the public land State Territories of the Union, with the exception of Alaska, formerly Russian Americ system has worked satisfactorily, furnishing facilities for the aquisition of public in any region of the country, and methods for the restoration of landmarks which be lost or destroyed by time or accident. Adequate means exist in the surrou landmarks of the adjacent public surveys, whereby missing metes and bounds c restored in accordance with the original field-notes thereof, and the designations p on township plats. Its recommendations to the public lie in its economy, simpl and brevity of description in deeding the premises by patent and for future co ancing, and in the convenience of reference from the most minute legal subdivisi the corners and lines of sections, and of townships of given principal base and ridians. Its greatest convenience is its extreme simplicity of description. Any pe by its monuments and markings, can readily find the tract sought for. It was inated for land-parceling for sale, and it has answered the purpose. The system extends over the whole surface of the States of Ohio, Indiana, Illinois, Mich Arkansas, Mississippi, Alabama, Missouri, Wisconsin, Iowa, Kansas, and portions c States of Florida, Louisiana, Nevada, Minnesota, Nebraska, California, and Colo also in the Territories of Washington, Utah, Montana, Idaho, Wyoming, and th dian Territory. Arizona, New Mexico, Dakota,

AREA OF SURVEYED LANDS.

The total area surveyed under this system is 752,557,195 acres in the various States and Territories, as is shown by the following tabular statement:



Tabular statement showing the number of acres of public lands surveyed in the following land States and Territories up to June 30, 1879, during the present fiscal year, and the total of the public lands surveyed up to June 30, 1880; also, the total area of the public domain remaining unsurveyed within the same.

Land States and Territories.	Area of public lands in States and Territories.		Number of acres of public lands surveyed.				Total area of public and Indian lands remaining unsurveyed, inclusive of the area of private land claims, estimated at 80,000,000 acres, surveyed up to June 30, 1880.
	In acres.	In square miles.	Up to June 30, 1879.	Prior to June 30, 1879, not heretofore reported.	Within the fiscal year ending June 30, 1880.	Total up to June 30, 1880.	
Wisconsin	34, 511, 360	53, 924	34, 511, 360	....	....	34, 511, 360	....
Iowa	35, 228, 800	55, 045	35, 228, 800	....	....	35, 228, 800	....
Minnesota	53, 459, 840	83, 531	39, 536, 940	116, 224. 14	296, 253. 46	39, 949, 417	13, 510, 423
Kansas	51, 770, 240	80, 891	51, 770, 240	....	....	51, 770, 240	....
Nebraska	48, 636, 800	75, 995	40, 715, 571	159, 842. 68	709, 179. 33	41, 584, 593	7, 052, 207
California	100, 992, 640	157, 801	47, 979, 543	576, 875. 65	3, 792, 630. 10	52, 349, 048	48, 643, 592
Nevada	71, 737, 600	112, 090	12, 372, 308	....	928, 694. 07	13, 301, 002	58, 436, 598
Oregon	60, 975, 360	95, 274	21, 913, 612	101, 186. 85	1, 052, 221. 85	23, 067, 020	37, 908, 340
Washington	44, 796, 160	69, 994	14, 736, 403	375, 176. 67	847, 595. 29	15, 959, 175	28, 836, 985
Colorado	66, 880, 000	104, 500	23, 354, 523	92, 196. 10	2, 775, 601. 81	26, 222, 321	40, 657, 679
Utah	54, 064, 640	84, 476	9, 341, 375	....	440, 585. 79	9, 781, 960	44, 282, 680
Arizona	72, 906, 240	113, 916	5, 499, 353	....	308, 521. 21	5, 807, 874	67, 098, 366
New Mexico	77, 568, 640	121, 201	8, 843, 890	75, 603. 97	1, 624, 156. 41	10, 543, 650	67, 024, 990
Dakota	96, 596, 480	150, 932	22, 626, 770	*416, 798. 84	†2, 130, 808. 59	25, 174, 377	71, 422, 103
Idaho	55, 228, 160	86, 294	6, 933, 429	329, 726. 08	225, 637. 24	7, 488, 792	47, 739, 368
Montana	92, 016, 640	143, 776	11, 062, 551	....	302, 413. 55	11, 364, 964	80, 651, 676
Wyoming	62, 645, 120	97, 883	9, 079, 186	....	184, 449. 68	9, 263, 635	53, 381, 485
Missouri	41, 836, 931	65, 370	41, 836, 931	....	....	41, 836, 931	....
Alabama	32, 462, 115	50, 722	32, 462, 115	....	....	32, 462, 115	....
Mississippi	30, 179, 840	47, 156	30, 179, 840	....	....	30, 179, 840	....
Louisiana	26, 461, 440	41, 346	25, 232, 044	....	80, 504. 58	25, 312, 548	1, 148, 892
Arkansas	33, 410, 063	52, 202	33, 410, 063	....	....	33, 410, 063	....
Florida	37, 931, 520	59, 268	30, 151, 946	23, 081. 51	....	30, 175, 027	7, 756, 493
Ohio	25, 576, 960	39, 964	25, 576, 960	....	....	25, 576, 960	....
Indiana	21, 637, 760	33, 809	21, 637, 760	....	....	21, 637, 760	....
Michigan	36, 128, 640	56, 451	36, 128, 640	....	....	36, 128, 640	....
Illinois	35, 465, 093	55, 414	35, 465, 093	....	....	35, 465, 093	....
Indian Territory	44, 154, 240	68, 991	27, 003, 990	....	....	27, 003, 990	17, 150, 250
Alaska	369, 529, 600	577, 390	....	....	....	....	369, 529, 600
Public land strip	6, 912, 000	10, 800	....	....	....	....	6, 912, 000
Total	1, 814, 788, 922	2, 835, 606	734, 591, 236	2, 266, 712. 49	15, 699, 252. 96	752, 557, 195	1. 069, 143, 727

* 208,299.30 acres are embraced in Red Cloud and Spotted Tail Indian reservations.
† 67,063.90 acres are embraced in Red Cloud and Spotted Tail Indian reservations.

COSTS OF SURVEYING UNDER RECTANGULAR SYSTEM.

The price per mile for surveying has varied with the several acts. Under the ordinance of May 20, 1785, the surveyor was allowed at the rate of $2 per mile for every mile in length he should run, including the wages of chain carriers, markers, and every other expense attending the same.

Under the powers to the Board of Treasury to sell western territory, July 23, 1787, the Ohio Company were to survey the lands of their purchase into townships and other subdivisions, as provided in the survey ordinance above set out, at their own expense, and return the plat to the Board of Treasury. Under the ordinance of July 9, 1788, supplemental to the one of May 20, 1785, the surveyors to be appointed by the geographer to lay off lands and locate warrants thereon were to receive for their compensation an allowance to be fixed by the governor and judges of the western territory.

Under the act of 1796, May 18, the President of the United States was to fix the compensation of the assistant surveyors, chain carriers, and axe men, provided the whole

expense should not exce ed $3 pcr mile. This price was continued in the act of May, 10, 1800.

The price has varied, owing to tepcgraphical features, as in wocded or swamp country, for which from $3 to $20 have been paid in Missouri and other land States. The several acts of Congress up to 1860 will give the prices paid per mile.

TABLES SHOWING COST OF SURVEYS FROM 1860 TO 1881.

The following table will give the variat ions in prices of surveys from 1860 to 1881:

Statement of rates paid per linear mile, from 1860 to 1881, inclusive.

States and Territories.	1860.			1861.			1862.			1863.			1864.			1865.			1866.			1867.		
	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.
Arizona	...	...	...	...	...	...	...	...	...	$15	12	10	$15	12	10	$15	12	10	$15	12	10	$15	12	10
California	$16	12	12	$16	12	12	$16	12	12	16	12	12	16	12	12	16	12	12	15	12	10	15	12	10
Colorado	...	...	...	...	...	...	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7
Dakota	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5	10	7	6	10	7	6
Florida	7	6	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Idaho	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	15	12	10	15	12	10	15	12	10
Louisiana	8	7	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Minnesota	10	6	5	10	6	5	10	6	5	10	6	5	10	9	6	10	7	6	10	7	6	10	7	6
Montana	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	15	10	8
Nebraska	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5	10	6	5
Nevada	...	...	...	...	...	...	20	12	12	15	12	12	...	...	...	...	...	...	15	12	10	15	12	10
New Mexico	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7	10	8	7
Oregon	8	8	8	8	8	8	8	8	8	8	8	6	8	8	6	8	8	6	15	12	10	15	12	10
Utah	20	12	12	20	12	12	20	12	12	20	12	12	...	...	...	...	...	...	...	...	...	...	...	...
Washington	8	8	8	8	8	8	8	8	8	8	8	6	8	8	6	15	12	10	15	12	10	15	12	10

States and Territories.	1868.			1869.			1870.			1871.			1872.			1873.			1874.		
	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.
Arizona	$15	12	10	$15	12	10	$15	12	10	$15	12	10	$15	12	10	$15	12	10	$15	12	10
California	15	12	10	15	12	10	15	12	10	15 18	12 15	10 12	15 18	12 15	10 12	15 18	14 16	12 14	15	14	12
Colorado	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10
Dakota	10	7	6	10	7	6	10	7	6	10	7	6	10	7	6	10	7	6	12	9	8
Florida	...	...	...	...	...	...	...	...	...	10	7	6	10	7	6	10	7	6	10	7	6
Idaho	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10
Louisiana	...	...	...	...	...	...	...	...	...	25	12	8	...	10	8	...	10	8	...	10	8
Minnesota	10	7	6	10	7	6	10	7	6	15	12	10	15	12	10	14	12	10	14	12	10
Montana	...	...	...	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10
Nebraska	10	6	5	10	7	6	10	7	6	10	7	6	10	6	5	12	9	6	12	9	8
Nevada	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10
New Mexico	10	8	7	10	8	7	15	12	10	...	...	...	.. 15 10	16 12 15	.. 10 12	15	14 16	12 16	15	14 16	12 16
Oregon	15	12	10	15	12	10	15 18	12 15	10 12	15 18	12 15	10 12	15	12	10	15	12	10	15	12	10
Utah	...	...	...	15	12	10	15	12	10	15	12	10	15 18	12 15	10 12	15 18	14 16	12 14	15 18	14 16	12 14
Washington	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10
Wyoming	...	...	...	...	...	...	15	12	10	15	12	10	15	12	10	15	12	10	15	12	10

Statement of rates paid per linear mile, &c.—(Continued.)

States and Territories.	1875.			1876.			1877.			1878.			1879.			1880.			1881.		
	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.	Standard.	Township.	Section.
Arizona	$15	12	10	$15	12	10	$10 13	7	6	$10 16	7 14	6 10	$10 16	7 14	6 10	$10 16	7 14	6 10	$12 16	10 14	8 10
California	15 18	14 16	12 14	15 18	14 16	12 14	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Colorado	15 18	12 16	10 14	15 18	12 16	10 14	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Dakota	12	9	8	12	9	8	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Florida	12	12	10	12	12	10	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Idaho	15 18	12 16	10 14	15 18	12 16	10 14	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Louisiana	....	12	10	...	12	10	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Minnesota	15	12	10	15	12	10	10	7	6	10 16	7 14	6 16	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Montana	15	12	10	15	12	10	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Nebraska	15	12	10	15	12	10	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Nevada	15	12	10	15	12	10	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
New Mexico	15	12	10	15 18	14 16	12 14	10	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Oregon	15 18	14 16	12 14	15	12	10	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Utah	15	12	10	15 18	12 16	10 14	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Washington	15 18	14 16	12 14	15 18	12 16	10 14	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10
Wyoming	15 18	12 16	10 14	15	12	10	10 13	7	6	10 16	7 14	6 10	10 16	7 14	6 10	10 16	7 14	6 10	12 16	10 14	8 10

HIGHEST PRICES FOR SURVEYS AT VARIOUS PERIODS.

The highest prices for surveying were as follows:

For State and Territorial boundary surveys, astronomically determined, $75 per linear mile. For surveys of out-boundaries of Indian reservations, $25 per lineal mile. For surveys of public lands, for principal bases and meridians, standard parallels, $20 per linear mile, and for township lines $18, and section lines $12.

The surveying rates prescribed by law for the survey of the public land has ranged from $3 to $20 per linear mile at various times.

APPROPRIATIONS FOR SURVEYS.

It was the custom prior to July 31, 1876, for Congress to make appropriations annually for each surveying district by separate item.

July 31, 1876 (19 Stats., p. 120), Congress changed the method of appropriation by giving a gross sum for annual surveys, without specifying surveying districts, States, or Territories; which system now exists. The Secretary of the Interior, under this law, annually apportions the same to the several surveying districts as in his judgment is deemed best.

PRESENT COST OF SURVEYING A TOWNSHIP.

It now costs to survey the exterior and subdivision lines of a township of land the following sums:

A township of land contains 12 miles of exterior and about 60 miles of section lines. The prices allowed by existing law are $12 for standard and meridian lines, $10 for exterior township lines, and $8 for section lines, per mile, except where the lands are heavily timbered, mountainous, or covered with dense undergrowth, when $16 per mile are allowed for standard, $14 for township, and $10 for section lines.

The cost of survey of the lines of one township at the ordinary rates is $600, and at the augmented rates is $768, not including anything for meander lines, or for the standard and meridian lines run in reaching and controlling the township surveys.

At the ordinary rates it costs for the field-work alone about 2½ cents, and at the augmented rates about 3¼ cents, per acre. Add one cent to each of the above sums for the cost of disposing of the land, including expenses of the General Land Office, and it gives 3½ cents as the cost of survey and sale of ordinary lands, and 4¼ cents as cost of survey and sale of timbered and mountainous lands, per acre.

COMPARATIVE PROGRESS OF SURVEYS DURING SIX YEARS LAST PAST.

The following table exhibits the comparative progress of the surveys and disposal of public lands during the period of six years beginning with the 1st day of July, 1874, and ending on the 30th June, 1880. It also shows the cost of the surveys in the field, including compensation to surveyors-general, their clerks and draughtsmen, and the incidental expenses of their offices, together with the number of the surveying and land districts.

Progress of surveys and disposal of public lands during a period of six years, &c.

Fiscal year ending June 30.	Surveying districts.	Land offices.	Cost of surveys, including salaries and contingent expenses.	Number of acres—	
				Surveyed.	Disposed of.
1875	17	97	$1,030,180 24	26,077,351	7,070,271 29
1876	17	97	1,269,321 94	20,271,506	6,524,326 26
1877	17	99	550,054 03	10,847,082	4,849,767 70
1878	16	98	523,786 76	8,041,012	8,686,178 88
1879	16	93	525,707 00	8,455,781	9,333,383 29
1880	16	97	673,763 69	15,632,189	9,152,356 62

COST OF SURVEYS AND DISPOSITION FROM 1785 TO 1880.

The cost of the surveys of the public land and private land claims from the beginning of the system to June 30, 1880, including maintenance of offices of surveyors-general, is estimated at $24,468,691, covering the survey of 752,557,195 acres, or at the rate of 3¼ cents per acre. The cost of disposition has been $22,094,611.07, or 2.9 cent per acre, a total cost of 6.2 cents per acre for survey and sale.

RE-ESTABLISHING THE LINES OF PUBLIC SURVEYS.

The original corners, when they can be found, must stand under the statute as the true corners they were intended to represent, even though not exactly where strict professional care might have placed them in the first instance. Missing corners must be re-established in the identical localities they originally occupied. When the spot cannot be determined by the existing landmarks in the field, resort must be had to the field-notes of the original survey. The law provides that the length of the lines, as stated in the original field-notes, shall be considered as the true lengths, and the distances between corners set down in those notes constitute proper data from which to determine the true locality of a missing corner; hence the rule that all such should be restored at distances proportionate to the original measurements between existing original landmarks.

LAWS AND RULES GOVERNING THE SUBDIVISION OF SECTIONS OF PUBLIC LANDS.

Information is frequently called for in reference to the rules prevailing in the surveys and subdivisions. The acts of Congress approved May 10, 1800, section 3 (2 Stats., p. 73), and February 11, 1805 (2 Stats., pp. 313, 314), regulate the mode of proceeding.

Although the statute of 1805 does not require actual running and marking the interior lines of a section by the Government surveyors, it prescribes certain principles upon which the division lines may be ascertained and the lands sold by legal subdivisions, as laid down on township plats by surveyors-general.

The subdivision of a quarter-section, provided for by section 1, act of Congress approved April 24, 1820 (3 Stats., p. 566), is as follows:

> And in every case of the division of a quarter-section, the line for the division thereof shall run north and south, and corners and contents of half-quarter-sections which may thereafter be sold shall be ascertained in the manner and on the principles directed and prescribed by the second section of an act entitled "An act concerning the mode of surveying the public lands of the United Stated," passed on the eleventh day of February, eighteen hundred and five; and fractional sections containing one hundred and sixty acres or upwards shall in like manner, as nearly as practicable, be subdivided into half-quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

In pursuance of the foregoing act of Congress, the Secretary of the Treasury, then having jurisdiction, directed the subdivision of fractional sections into half-quarters by north and south or east and west lines, so as to preserve the most compact and convenient forms, together with the quantity contained in each subdivision.

The act of Congress approved April 5 1832 (4 Stats., p. 503), provides for the subdivision of a half-quarter sections thus:

> And in every case of a division of a half-quarter-section, the line for the division thereof shall run east and west, and the corners and contents of quarter-quarter-sections which may thereafter be sold shall be ascertained as nearly as may be in the manner and on the principles directed and prescribed by the second section of an act entitled "An act concerning the mode of surveying the public lands of the United States," passed on the eleventh day of February, eighteen hundred and five, and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter-quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

In accordance with these legal provisions, the Secretary of the Treasury, in 1834, directed the subdivision of sections into quarter-quarter-sections as follows:

> In all cases where the quantity of the fractional section, or the portion thereof remaining unsold and liable to be subdivided under the act of the 5th April 1832, admits of the sale of one or more quarter-sections, you will subdivide such quarter-sections into quarter-quarter-sections, and they will be described by the registers as quarter-quarter-sections.

Fractional sections containing less than 160 acres, after the subdivision into as many quarter-quarter-sections as it is susceptible of, may be subdivided into lots, each containing the quantity of a quarter-quarter, by so laying down the line of subdivision that they shall be 20 chains wide; the distances are to be marked on the plat of subdivision, which must show the areas of the quarter-quarters and residuary fractions.

The aforesaid legal provisions govern the methods employed for the survey and calculation of areas of the fractional sections on the north and west of townships, such surveys representing the proper boundaries, contents, and subdivisions of the several sections, half-sections, quarter-sections, half-quarter sections, quarter-quarter-sections, and fractions designated by special numbers.

CLOSING UP THE SURVEYS IN A SURVEYING DISTRICT.

A surveying district, in charge of a surveyor-general, is closed upon recommendation of the Commissioner of the General Land Office, by special act of Congress when the public domain therein is all surveyed, when the archives, plats, field-notes, &c., are transferred to the authorities of the State in which the lands lie, and are kept at the capital thereof, always subject, however, to the inspection of the United States.

The United States, under its system of surveys of public lands, has given to the land States in which it has closed its surveys and disposed of its lands, and will give to the States and Territories in which it is now closing surveys, a record of the same, which for clearness and fidelity is unparalleled in the history of land surveys and tenures. It is a complete transcript of the definition of metes and bounds of the surface of the States over which it is laid. It prevents litigation, makes holdings certain, and the original derivation of title will never be obscured by musty vellum and uncertain records.

SURVEYING DISTRICTS AND OFFCES OF SURVEYORS-GENERAL.

Statement showing dates of organization of the several surveying districts since the beginning of the service, dates of closing the offices of surveyors-general in States where the surveys have been completed, and dates when the original surveying archives were delivered to the State authorities.

Name of district.	Act creating office of surveyor-general.	Statutes at Large. Vol.	Page.	Sec.	Office closed.	Archives delivered to State authorities.	Remarks.
Alabama	Apr. 20, 1818	3	466	1	1850	1850	Originally part of district south of Tennessee, subsequently part of district of northern part of Mississippi Territory.
Arizona	Feb. 24, 1863	12	664	2			Attached to New Mexico by act of July 2, 1864. Attached to California district by act of March 2, 1867. Made separate district, act July 11, 1870.
Arkansas	June 15, 1832	4	531		March 8, 1859	1861	Archives delivered to state auditor by the register of land office at Little Rock during the war.
California	Mar. 3, 1851	9	617				See remarks for Arizona and Nevada.
Colorado	Feb. 28, 1861	12	172	17			See remarks for Utah, Idaho, and Nevada.
Dakota	Mar. 2, 1861	12	239	17			See remarks for Montana.
Florida	May 8, 1822	3	718				
Idaho	June 29, 1866	14	77				By the act of July 2, 1864, Idaho was attached to the Colorado surveying district.
Illinois and Missouri	Apr. 29, 1816	3	325		October 31, 1863	Illinois, June 16, 1869; Missouri, Oct. 10, 1866	
Iowa and Wisconsin	June 12, 1838	5	243		June 30, 1866	Iowa, March 23, 1868; Wisconsin, Aug. 1, 1866	
Kansas and Nebraska	July 22, 1854	10	309	10	Kansas, June 30, 1876	Kansas, June 30, 1876	By act of July 28, 1866, the surveying district of Nebraska and Iowa was created.
Louisiana	Mar. 3, 1831	4	492				
Minnesota	Mar. 3, 1857	11	212				
Mississippi	Mar. 3, 1817	3	375		October 31, 1849	October 31, 1849	Originally part of district south of Tennessee.
Montana	Mar. 2, 1867	14	542				By act of July 2, 1864, Montana was attached to Dakota surveying district. No surveys made until 1867.
Nebraska and Iowa	July 28, 1866	14	344				See Kansas and Nebraska.
Nevada	Mar. 2, 1861	12	209	17			By act March 14, 1862, Nevada attached to California. Act July 2, 1864, Nevada attached to Colorado. Act July 4, 1866, Nevada separate district.
New Mexico	July 22, 1854	10	308				See remarks for Arizona.
Northwest of Ohio	May 18, 1796	1	464		May 11, 1857	Ohio, July 29, 1846; Indiana, Dec. 11, 1849; Michigan, May 12, 1857	This district embraced Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. See Illinois and Missouri, also Iowa and Wisconsin.
Oregon	Sept. 27, 1850	9	496				This district embraced Washington Territory, which was made a separate district by act of July 17, 1854.
Utah	Feb. 21, 1855	10	611				Attached to Colorado by act of March 14, 1862. Made separate district by act of July 16, 1868.
South of Tennessee	Mar. 3, 1803	2	229	10			Act of March 2, 1805, extended powers of surveyor south of Tennessee to Territory of Orleans. See Ala. and Miss.
Washington	July 17, 1854	10	305	7			
Wyoming	Feb. 5, 1870	16	64				See Oregon.

CHAPTER VIII.

METHOD OF SALE, PRICE, AND DISPOSITION OF THE PUBLIC DOMAIN, FROM 1784 TO 1880.

The following several chapters (VIII to XXI inclusive) give details as to practical results under the various laws or systems for the sale or disposition of the public domain, heretofore passed, and either obsolete by execution, limitation, or repeal, or still in full force and effect.

EARLY CONGRESSIONAL ACTION.

Soon after the cessions to the United States of western lands, or claims to them, by the States of New York and Virginia, Congress began to consider the subject of their disposition. The territory northwest of the river Ohio contained some grants made by French and English authority, but the State of Virginia had never opened a land office for the sale of lands in the region north of the river Ohio, the act of her legislature of 1779 forbidding location or pre-emption there. The resolutions for its government were passed in March, 1784, followed by the ordinance of 1787. October 30, 1779, Congress passed a resolution requesting States having claims to the western territory not to open land offices, and to forbear selling or issuing warrants for unappropriated lands, or granting them during the continuance of the (Revolutionary) war. By their resolution of October 10, 1780, it was ordered that lands ceded to the United States should be disposed of for the common benefit of the United States, and "shall be granted or settled at such time and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them."

On April 29, 1784, Congress, by resolution, called the attention of the States still holding western lands to the fact of former resolutions of Congress asking for cessions; and, "in presenting another request for further cessions," stated (speaking of persons who had furnished supplies to carry on the war): "These several creditors have a right to expect that funds shall be provided on which they may rely for their indemnification; that Congress still considers vacant territory as an important resource, and that, therefore, the said States be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to promote the harmony of the Union."

These western lands were looked upon by all the financiers of this period as an asset to be cashed at once for payment of current expenses of Government and extinguishment of the national debt. Congress at this time (1785) issued a proclamation forbidding settlement on the public domain. The act of 1804 was of like import, and the law of 1807 gave the President power of removal of settlers from the public lands pending sale. On the 20th of May, 1785, Congress passed an ordinance for ascertaining the mode of disposing of lands within the western territory. It not only included disposition, but it gave the first plan of survey of the lands prior to disposition. Under this ordinance the Board of Treasury (the Treasury Department prior to and under the

Confederation; see ordinances of Congress of February, 17, 1776, of July 30, 1779, and of May 28, 1784), consisting of three commissioners, were to receive the plats of surveys from the geographer (now surveyor-general) in charge of surveys. The Secretary of War was to then draw by lot certain townships for land bounties for the use of the Continental army, and the Board of Treasury was to draw the remainder by lot in the name of the Western States, who were to advertise and sell them at public sale for not less than "$1 per acre, specie, or loan office certificate reduced to specie value by scale of depreciation, or certificates of liquidated debts of the United States, including interest, besides the expenses of the survey and other charges thereon, which are hereby rated at $36 the township," &c. The "expense of survey and other charges thereon" were fixed at $36 per township, to be paid by the purchaser. The act of July 23, 1787, reduced the price per acre not more than one-third of a dollar, leaving 66⅔ cents per acre the price.

The system contemplated under this act was, as far as disposition was concerned, a failure. The clause requiring the drawing for the thirteen States was repealed July 9, 1788, and additional regulations as to surveys were made. The clause relating to drawing by the Secretary of War for land bounties was also repealed. This ordinance gave the Board of Treasury power to move about the United States and sell certain lands at pleasure.

The ordinance of May 20, 1785, gave the commissioners of the loan office (a United States office within the several States, and under the Board of Treasury) authority to make deeds in the name of the United States for the lands.

The Board of Treasury were to give deeds for the lands drawn by and allotted to the Secretary of War for bounties. Lands unsold for eighteen months were to be returned to the Board of Treasury and sold as Congress should afterward direct.

This system of sale was for cash, or equivalent, in unlimited quantities above a minimum limit, at public sale after advertisement, by loan commissioners, who were agents of the Board of Treasury (the same as district land officers are now the agents of the General Land Office), at a price not less than $1 per acre. The lots to be sold were, first, a township No. 1 entire; second, township No. 2, by lots of six hundred and forty acres; third, an entire township and lots. By a resolution of date June 15, 1785, squatters were warned and unauthorized settlements on public lands prohibited, and the commissioners were to issue proclamation to that effect.

By resolution of April 24, 1785, the Secretary of War was authorized to remove unlawful settlers at Post Saint Vincent, in the Northwest Territory, and to use the Army for the same. Settlements at this time upon unsurveyed lands were not desired. April 21, 1787, Congress ordered, after advertisement and five months from the date of the ordinance, that the remainder of the surveyed lands be sold in the place where Congress shall sit, from day to day, at not less than $1 per acre. It was a credit sale, one-third cash in hand, or in the public securities of the United States, to be paid to the Treasurer of said United States, and the remaining two-thirds in three months from the sale—failing in this, the first payment to be forfeited and the lands to be resold, the Board of Treasury to give title.

July 23, 1787, Congress agreed, after amendment, to a report by a committee consisting of Messrs. King, Dane, Madison, and Benson, instructing the Board of Treasury to contract for the sale of western territory. This was the order for sale to The Ohio Company of lands in the present State of Ohio. It was to sell to Winthrop Sargent and Manasseh Cutler, on behalf of themselves and associates, a trust estimated at two million acres. This sale was at $1 per acre, with a rebate to two-thirds of a dollar under conditions, and the reservations in the ordinance of the 20th of May, 1785, were to be respected; $500,000 were to be paid down and the remainder after completion of the survey; the Board of Treasury to receive the plats from the geographer. The land was on the Scioto and Ohio Rivers, and included the present city of Marietta, Ohio. This trust was reduced to 822,900 acres, and the order was confirmed by Congress July 27, 1787. Thereafter Congress, upon petition for purchase by individuals

or companies, authorized the Board of Treasury to make sale under the said orders of Congress and to execute the transfer, &c.

The next sale was to John Cleves Symmes, of New Jersey, for a tract of land, supposed at the time to contain one million acres, on the Ohio River, between the Great and Little Miami rivers, in Ohio, near the present city of Cincinnati. On the 2d of October, 1787, Congress directed the Board of Treasury to take action thereon. This tract was patented by the President of the United States, George Washington, September 30, 1794, and countersigned by Edmund Randolph, Secretary of State. It was for 248,540 acres of land, for which he and his associates paid $165,963.42. This was done in pursuance of the act of Congress of May 5, 1792.

To the State of Pennsylvania was sold, by order of Congress, the tract now in Erie County in that State, containing 202,187 acres. Thus but three tracts of land had been sold by contract prior to the adoption of the present form of government. All of these were sold at the rate of two-thirds of a dollar an acre, payable in evidences of the public debt of the United States, and a part of the two last tracts was paid for in military land warrants, each acre in such warrant being received in payment for one acre and a half of land. A right of pre-emption, at the rate of two dollars an acre, was allowed to persons who had made purchases from J. C. Symmes within the boundaries of his first contract. All other public lands sold by the United States were sold under general laws.

January 20, 1790, the House of Representatives called upon Alexander Hamilton, Secretary of the Treasury, for the form of a plan of disposition of the public lands of the United States. July 20, 1790, Mr. Hamilton transmitted the following report:

PLAN FOR THE DISPOSITION OF THE PUBLIC LANDS.

[Communicated to the House of Representatives July 22, 1790.]

TREASURY DEPARTMENT, *July* 20, 1790.

In obedience to the order of the House of Representatives of the 20th of January last the Secretary of the Treasury respectfully reports:

That in the formation of a plan for the disposition of the vacant lands of the United States there appear to be two leading objects of consideration: one, the facility of advantageous sales, according to the probable course of purchases; the other the accommodation of individuals now inhabiting the western country, or who may hereafter emigrate thither. The former, as an operation of finance, claims primary attention; the latter is important as it relates to the satisfaction of the inhabitants of the western country. It is desirable, and does not appear impracticable, to conciliate both. Purchasers may be contemplated in three classes: moneyed individuals and companies who will buy to sell again; associations of persons who intend to make settlements themselves; single persons or families, now resident in the western country, or who may emigrate thither hereafter. The two first will be frequently blended, and will always want considerable tracts. The last will generally purchase small quantities. Hence a plan for the sale of the western lands, while it may have due regard for the last, should be calculated to obtain all the advantages which may be derived from the two first classes. For this reason it seems requisite that the General Land Office should be established at the seat of Government. It is there that the principal purchasers, whether citizens or foreigners, can most easily find proper agents and that contracts for large purchases can be best adjusted. But the accommodation of the present inhabitants of the western territory and of unassociated persons and families who may emigrate thither seems to require that one office, subordinate to that at the seat of Congress, should be opened in the Northwestern and another in the Southwestern government.

Each of these officers, as well the general one as the subordinate ones, it is conceived, may be placed with convenience under the superintendence of three commissioners, who may be either pre-established officers of the Government, to whom the duty may be assigned by law, or persons specially appointed for the purpose. The former is recommended by considerations of economy, and it is probable would embrace every advantage which could be derived from a special appointment. To obviate those inconveniences and to facilitate and insure the attainment of those advantages which may arise from new and casual circumstances springing up from foreign and domestic causes appear to be an object for which adequate provision should be made in any plan that may be adopted. For this reason and from the intrinsic difficulty of regulating the details of a specific provision for the various objects which

require to be consulted, so as neither to do too much nor too little for either, it is respectfully submitted whether it would not be advisable to vest a considerable latitude of discretion in the Commissioners of the General Land Office, subject to some such regulations and limitations, as follows, viz:

That no land shall be sold except such in respect to which the titles of the Indian tribes shall have been previously extinguished.

That a sufficient tract or tracts shall be reserved and set apart for satisfying the subscribers to the proposed loan in the public debt, but that no location shall be for less than five hundred acres.

That convenient tracts shall from time to time be set apart for the purpose of locations by actual settlers, in quantities not exceeding, to one person, 100 acres.

That other tracts shall from time to time be set apart for sales in townships of ten miles square, except where they shall adjoin upon a boundary of some prior grant or of a tract so set apart, in which cases there shall be no greater departure from such form of location than may be absolutely necessary.

That any quantities may, nevertheless, be sold by special contract, comprehended either within natural boundaries or lines, or both.

That the price shall be thirty cents per acre, to be paid either in gold or silver or in public securities, computing those which shall bear an immediate interest of 6 per cent. as at par with gold and silver, and those which bear a future or less interest, if any, they shall be at a proportional value.

That certificates issued for land upon the proposed loan shall operate as warrants within the tract or tracts which shall be specially set apart for satisfying the subscribers thereto, and shall also be receivable in all payments whatsoever for lands by way of discount, acre for acre.

That no credit shall be given for any quantity less than a township of ten miles square, nor more than two years' credit for any greater quantity.

That in every instance of credit at least one-quarter part of the consideration shall be paid down, and security, other than the land itself, shall be required for the residue; and that no title shall be given for any tract or part of a purchase beyond the quantity for which the consideration shall be actually paid. That the residue of the tract or tracts set apart for subscribers to the proposed loan, which shall not have been located within two years after the same shall have been set apart, may then be sold on the same terms as any other land.

That the commissioners of each subordinate office shall have the management of all sales and the issuing of warrants for all locations in the tracts to be set apart for the accommodation of individual settlers, subject to the superintendency of the Commissioners of the General Land Office, who may also commit to them the management of any other sales or locations which it may be found expedient to place under their direction.

That there shall be a surveyor-general, who shall have power to appoint a deputy-surveyor-general in each of the Western governments, and a competent number of deputy surveyors to execute in person all warrants to them directed by the surveyor-general or the deputy surveyors-general within certain districts to be assigned to them respectively. That the surveyor-general shall also have in charge all the duties committed to the geographer-general by the several resolutions and ordinances of Congress. That all warrants issued at the General Land Office shall be signed by the commissioners, or such one of them as they may nominate for that purpose, and shall be directed to the surveyor-general. That all warrants, issued at a subordinate office, shall be signed by the commissioners of such office, or by such one of them as they may nominate for that purpose, and shall be directed to the deputy surveyor-general within the government. That the priority of locations upon warrants shall be determined by the times of applications to the deputy surveyors; and in case of two applications for the same land at one time, the priority may be determined by lot.

That the Treasurer of the United States shall be the receiver of all payments for sales made at the General Land Office, and may also receive deposits of money or securites for purchases intended to be made at the subordinate offices, his receipts or certificates for which shall be received in payment at those offices.

That the secretary of each of the western governments shall be the receiver of all payments arising from sales at the office of such government. That controversies concerning rights to patents or grants of land shall be determined by the commissioners of that office uncer whose immediate direction or jurisdiction the locations in respect to which they may arise shall have been made. That the completion of all contracts and sales heretofore made shall be under the direction of the Commissioners of the General Land Office. That the Commissioners of the General Land Office, surveyor-general, deputy surveyors-general, and the commissioners of the land office in each of the Western governments shall not purchase, nor shall others purchase for them in trust, any public lands.

That the secretaries of the western governments shall give security for the faithful discharge of their duty as receivers of the land office. That all patents shall be

signed by the President of the United States or by the Vice-President or officer of the government acting as President, and shall be recorded in the office either of the surveyor-general or of the clerk of the Supreme Court of the United States. That all officers acting under the laws establishing a land office shall make oath faithfully to discharge their respective duties previously to their entering upon the execution thereof. That all surveys of land shall be at the expense of the purchasers or grantees.

That the fees shall not exceed certain rates to be specified in the law, affording equitable compensations for the services of the surveyors, and establishing reasoanble and customary charges for patents and other office papers for the benefit of the United States. That the Commissioners of the General Land Office shall, as soon as may be, from time to time, cause all the rules and regulations which they may establish to be published in one gazette at least in each State and in each of the Western governments where there is a gazette, for the information of the citizens of the United States. Regulations like these will define and fix the most essential particulars which can regard the disposal of the western lands, and where they leave anything to discretion will indicate the general principles or policy intended by the legislature to be observed, for a conformity to which the commissioners will, of course, be responsible. They will at the same time leave room for accommodating to circumstances which cannot beforehand be accurately appreciated, and for varying the course of proceeding as experience shall suggest to be proper, and will avoid the danger of those obstructions and embarrassments in the execution which would be apprehended from an endeavor at greater precision and more exact detail.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

The extraordinary character of the above plan can now be fully seen. It forms in its several leading features the basis of the prior and existing methods of administration for the sale and disposition of the public domain. Mr. Hamilton's views upon this subject, as well as upon every question he touched relating to the organization of the Nation, displayed his matchless practical ability.

ACT FOR SALE OF LANDS IN NORTHWEST TERRITORY.

March 3, 1795, Congress by law provided that "the nett proceeds of the sales of lands belonging, or which shall hereafter belong, to the United States, in the Western territory thereof," should constitute a portion of the sinking fund of the United States for the redemption of the public debt.

May 18, 1796, Congress passed the act for the sale of the lands of the United States in the territory northwest of the river of Ohio and above the mouth of the Kentucky River (in the present State of Ohio). This act provided for a surveyor-general of the district and for the parceling of the lands therein for sale. It gave the substance of the present rectangular system of surveys for the public domain. It provided for the sale of the surveyed lands in sections of 640 acres (a mile square) at public sale, under the direction of the governor or secretary of the Territory and the surveyor-general, and they were to be sold at Cincinnati and Pittsburgh, and the price to be not less than $2 per acre. Two months' notice of sale was to be given by advertisement, and sale to take place one month thereafter. The remainder of the seven ranges of townships surveyed under the act of May 20, 1785, were to be sold at public sale at Philadelphia, under the direction of the Secretary of the Treasury, in quarter townships, eight sections of 640 acres each, taking out the four sections in the center, which were reserved.

The townships directed to be sold in sections under the ordinance were to be sold at Pittsburgh, under the direction of the governor or secretary of the Northwest Territory and such person as the President should appoint. They were to be sold to the highest bidder, one-twentieth part of the purchase-money to be deposited, a moiety of the sum bid to be paid in thirty days to the Treasurer of the United States, and one year's credit for the residue; the President thereafter to issue patents, countersigned by the Secretary of State, and recorded in his office. If the purchaser made entire payment at the time of sale, he was to have a deduction of 10 per cent. from the credit part, and patent should issue immediately.

The price, $2 per acre, was fixed so as to include all costs of surveying and disposition, which were to be paid by the purchasers.

The money received at these sales was transmitted direct to the Treasury Department. No more than 121,540 acres had thus been sold prior to the act of 10th May, 1800, viz: 72,974 acres at public sale at New York, in the year 1787, for $87,325, in evidences of the public debt; 43,446 acres at public sale at Pittsburgh, in the year 1796, for $100,427; and 5,120 acres at Philadelphia, in the same year, at $2 an acre. Payments to be made in specie or in evidences of the publict debt, under act of March 3, 1797. In an act passed March 2, 1799, for the relief of persons who had made contracts in writing with John Cleves Symmes for the purchase of lands not comprehended in his patent, it was provided that such persons were to have a preference in purchasing from the United States at $2 per acre, to be paid to the Treasurer of the United States; one-third paid before September 1, 1799; one-third in a year from that date, and the remaining third part one year thereafter. The second section of this act contains the following:

That each and every person claiming the benefit of this act shall on or before the 1st day of September next give notice in writing to the Secretary of the Treasury or to the surveyor-general that they claim the right of pre-emption by this act offered, and that failure to give said notice shall forfeit the right of pre-emption.

All lands sold for the benefit of the United States prior to the opening of the land offices under the act of May 10, 1800, were sold from the public domain in the present State of Ohio, and amounted to 1,484,047 acres, and realized $1,201,725.68.

REGISTERS AND RECEIVERS ESTABLISHED.

The act of May 10, 1800, introduced the present system of disposition of lands through officers called registers, whose offices were situated within defined districts. It established four land offices within the Northwest Territory, with an officer for each called a register, bonded for $10,000; one office at Cincinnati, one at Chillicothe, one at Marietta, and the other at Steubenville. These were the first district land offices established in the United States.

The surveyor-general was to transmit to the register (as now) a copy of plats of tracts to be sold, and another copy to the Secretary of the Treasury (now to the Commissioner of the General Land Office).

Lands west of the Muskingum were to be subdivided into half-sections of 320 acres each, and held as such; west of that river to be subdivided and sold as usual, in sections of 640 acres. These lands were to be offered for sale at public vendue, after notice at the offices, respectively, under the direction of the register and the governor or secretary of the Territory. All such sales to close in three weeks, and the lands remaining unsold to be disposed of at private sale; none to be sold at less than $2 per acre; payment to be made in specie or evidences of the public debt at the time of purchase, the person or persons to pay, exclusive of fees, $6 for every section and $3 for every half-section, for surveying expenses, and deposit one-twentieth part of the amount of the purchase-money, forfeited in forty days if an addition of one-fourth part of the amount of purchase-money was not paid; another fourth part to be paid within two years; another fourth part within three years, and the remaining fourth part within four years after the date of sale. Interest at 6 per cent. per annum from the day of sale to be charged on the last three payments as they become due. A discount of 8 per cent. per year to be allowed for prepayment of any of the last three payments.

If the first payment was not made, the lands became forfeited and might again be sold, but not for less at private sale than the sum offered at public sale.

Lands not paid for at end of one year after last payment became due were to be advertised for thirty days and sold during court; the surplus, if any, after payment of United States and expenses of sale, was to be returned to original owners. Lands not sold were to revert to the United States and be disposed of as other lands.

This act also created the office of receiver of public moneys (a bonded officer) at

each land office. He was to receive all moneys on account of public lands and account to the Secretary of the Treasury for the same, as at present. Fees were to be received by the receivers of 1 per cent. of all money paid them; by the registers of ½ per cent. on moneys shown in receipts entered by them, and the following fees in addition from applicants, for their own use and benefit, viz: For an application and a copy of the same for a section of land, $3; for a half section, $2. For the first certificate of payment, 25 cents, and for each following one, 25 cents. For final certificate, $1. For a copy of any paper relating to entry, 25 cents, or for permission to look at plats (in their presence) 25 cents.

The duties of register and receiver of land offices, as defined by this creating act, continue in a large measure to this day. The passage of additional laws of sale and settlement, adding to or taking from them certain duties and authorizing certain fees, details as to office duties, papers and notes, or maps, or plats, are defined, and remain to this day with but little change. Patents were issued by the President upon presentation through the Secretary of the Treasury of the final certificate issued by the receiver. Patents were to be countersigned by the Secretary of State, and recorded in his office. Superintendents of public sales (officials named) were to receive $5 per day for superintending such sales. Patent fees were, for a half section, $4; for a whole section, $5; to be paid by the purchasers. This was afterward abolished by act of March 26, 1804.

LEASING OF RESERVED LANDS BY SURVEYOR-GENERAL.

Section 16 of the act provided that persons who had erected or had begun to erect grist or saw mills might purchase at $2 per acre. Section 15 provided "that the lands of the United States reserved for future disposition may be let upon leases by the surveyor-general in sections or half sections, for terms not exceeding seven years, on condition of making such improvements as he shall deem reasonable."

The surveyor-general (there was but one at this time) by this act stood toward the registers and receivers in the matter of sales and reports as does the Commissioner of the General Land Office at present. The receivers disbursed under order of the Treasury Department and made returns thereto as now. There were no sub-treasuries then in the western country, nor authorized depositaries or banks. There were no express companies, so that the specie was generally transported to the seat of Government, Washington, in stage-coaches.

CREDIT SYSTEM.

The act of 1796 was framed for the territory northwest of the river Ohio under the ordinance of 1787. As soon as the territory was subdivided a change took place. The spirit of the act, like all early legislation on the subject of the disposition of the public lands, was to hurry their sale and get the cash into the Treasury. They were sold in blocks, townships, eight sections, sections, and finally half sections, and in unlimited quantities. This act was afterward amended from year to year, until in 1820 it was repealed as to its credit features. (See acts of March 3, 1803; March 26, 1804; April 15, 1806; February 24, 1810; April 25, 1812.)

The price was fixed at not less than $2 per acre. (Under contract the first sales of lands by the Government were 66⅔ and 75 cents.) The United States at this time was, and had been for ten years, in competition with several States who were disposing of western lands—Connecticut selling her "Western Reserve" lands at 40 cents an acre in Northeastern Ohio; Virginia with her rich lands in Kentucky in the market; North Carolina selling in Tennessee; Pennsylvania with her charter lands offered through her State office; and Georgia with her lands in the territory now part of Alabama and Mississippi. Massachusetts, before this, had reduced the price of her Maine lands to 50 cents an acre to check western emigration. There began to be a serious exodus to the western country. The roads were filled with moving families and almost entire

neighborhoods moved west. Fertile lands, at low prices, were abundant, and speculators were numerous. Under this credit system men became loaded with large land purchases, expecting to make sale of a portion at an early date to incoming immigrants at an advance, and to hold the remainder for themselves.

The sales under this system, from the opening of the land offices in the territory northwest of the river Ohio by the above act to June 30, 1820, were as follows:

Gross quantity sold under the credit system.

Location.	Acres.	Amount.
In Ohio	8,848,152.31	$17,226,186 95
In Indiana	2,490,736.17	5,137,350 20
In Illinois	1,593,247.53	3,227,805 20
In Missouri	1,249,113.91	3,349,465 70
In Alabama	3,957,281.00	16,182,147 67
In Mississippi	1,147,988.10	2,297,652 91
In Louisiana	45,277.00	90,554 00
In Michigan	67,362.02	178,400 46
Total	19,399,158.04	47,689,563 09

This was afterward scaled down by acts of Congress, by reversions and relinquishment, so that the government parted title, under the credit system, to 13,642,536 acres, and received therefor $27,900,379.29.

A GENERAL SYSTEM OF DISPOSITION PROPOSED.

The act of May 10, 1800, was the first serious attempt at the creation of a general system of disposition of the public lands. The usual method of Congress was, in the organization of a section of the public domain into a Territory, to enact some special features in relation to the public lands therein, as well as adopting the old laws, such as in the organization of the Indiana Territory, March 26, 1804, making for each new geographical division a new law, containing much of the old land laws, but constantly improving. This act also provided for the sale of tracts of quarter-section in size, 160 acres, and put in the market all unsold offered land at $2 per acre.

The law creating Mississippi Territory, April 7, 1798, extended the laws of the Northwest Territory over it, with exceptions, but reserved the question of land disposition for future laws. The surveyor-general of the Northwest Territory was the surveyor-general of the Indiana Territory under that act. He was known as "the surveyor-general," with no definition as to his district, as afterward became the law. The Indiana act also created additional district land offices. In all these acts the first condition, prior to survey, was extinguishment of Indian title; next, survey and return of the plats to the district offices and Secretary of the Treasury (now General Land Office), advertisement of sale, and public vendue for a period. Then the land remaining unsold, having been offered at public sale and not sold, became "offered land," and was sold at the district land office at private sale to applicants at the fixed price of $2 per acre.

To December 28, 1814, the settled procedure has been described by Albert Gallatin, as follows:

1. All the lands are surveyed before they are offered for sale; being actually divided into townships six miles square, and those subdivided into thirty-six sections one mile square, and containing each 640 acres. All the dividing lines, running according to the cardinal points, cut one another at right angles, except where fractional sections are formed by the navigable rivers, or by an Indian boundary-line. The subdividing lines of quarter-sections are not actually surveyed, but the corners, boundaries, and contents of these are designated and ascertained by fixed rules prescribed by law. This branch of the business is conducted under the superintendence of two principal surveyors, who appoint their own deputies. The powers and duties of the first, who is called surveyor-general, extend over all the public lands north of the river Ohio, and over the Territory of Louisiana. The other, known by the name of surveyor of the public lands south of the State of Tennessee, superintends the surveys in the Mississippi and Orleans

Territories. Both make returns of the surveys to the proper land office and to the Treasury.

2. The following tracts are excepted from the sales, viz: 1. One thirty-sixth part of the lands, or a section of 640 acres in each township, is uniformly reserved, and given in perpetuity, for the support of schools in the township. 2. Seven entire townships, containing each 23,040 acres, viz: two in the State of Ohio, and one in each of the Territories of Michigan, Indiana, Illinois, Mississippi, and Orleans, have been also reserved, and given in perpetuity, for the support of seminaries of learning. 3. All salt springs and lead mines are also reserved, but may be leased by the President of the United States. Three other sections were formerly reserved in each township for the future disposition of Congress; but this reservation has, since the act of 26th March, 1804, been discontinued. One section was also reserved in each township within the boundaries of the tracts respectively sold to the Ohio Company and to John Cleves Symmes, and this given in perpetuity for religious purposes; but this reservation has not been extended to any other part of the public lands.

The Mississippi, the Ohio, and all the navigable rivers and waters leading into either, or into the river Saint Lawrence, remain common highways, and forever free to all the citizens of the United States, without any tax, impost, or duty therefor.

3. All the other public lands, not thus excepted, are, after the rightful private claims have been ascertained and confirmed, offered for sale at public sale in quarter-sections of 160 acres each, but cannot be sold for less than $2 an acre. The lands not purchased at public sale may, at any time after, be purchased in quarter-sections at private sale, and at the rate of $2 an acre, and without paying any fees whatever. The purchase-money, whether the land be bought at public or private sale, is payable in four equal installments, the first within forty days, and the three others within two years, three years, and four years, after the date of the purchase. No interest is charged if the payments be punctually made; but it must be paid fr m the date of the purchase, at the rate of 6 per cent. a year, on each installment not paid on the day on which it is due. A discount, at the rate of 8 per cent. a year, is allowed for prompt payment; which, if the whole purchase-money be paid at the time of purchasing the land, reduces its price to $1.64 per acre. Tracts not completely paid for within five years after the date of purchase are offered for sale at public sale, for a price not less than the arrears of principal and interest due thereon: if the land cannot be sold for that sum, it reverts to the United States, and the partial payments made therefor are forfeited; if it sells for more, the surplus is returned to the original purchaser.

4. All the lands to which the Indian title has been extinguished are, for the conve ience of purchasers, divided into districts, in each of which a land office is established. Ten of these districts are in full operation, viz: those of Steubenville, Canton, Zanesville, Marietta, Chillicothe, and Cincinnati, in the State of Ohio; those of Vincennes and Jeffersonville in the Indiana Territory; and those of Nashville (for Madison County in the great bend of the river Tennessee) and Washington (near Natches) in the Mississippi Territory. The sales have not yet commenced, the surveys not being yet completed, or the private claims not being yet decided upon, in the four districts of Detroit in the Michigan, of Kaskaskia in the Illinois, of Mobile in the Mississippi, and of Opelousas in the Orleans Territory. None have been authorized in the Territory of Louisiana and in the eastern part of the Territory of Orleans. Each land office is under the direction of two officers, a register who receives the applications and sells the land, and a receiver of public moneys who receives the purchase-money, unless the purchaser prefers paying it into the Treasury. Those two officers operate as a check one on the other. Transcripts of the sales and of the payments, together with the original receipts and assignments, are transmitted to the Treasury; and no patent issues till after the calculations have been examined, and it has been ascertained that the party has paid the whole purchase money and interest. The system, as it relates to the accountability of the receivers, is better checked than that of any other branch of the public revenue; but the various and contingent provisions respecting the credits, interest, discount, forfeitures, and other conditions of sale, render it rather complex, and for that reason liable to delays in the final settlement of the accounts of the receivers.

The total quantity of land sold under that system at the several land offices from 1st July, 1800, to 1st July 1810, and including pre-emption rights in Symmes's purchase and the Mississippi Territory, amounts to 3,386,000 acres, which have produced $7,062,000. Of this sum, $4,888,000 have been paid, in specie or evidences of public debt, into the Treasury or into the hands of the receivers of public moneys; the balance is due by the purchasers.

Intrusions on the public lands are equally forbidden, under various penalties, whether the lands still continue in the possession of the Indians or have been purchased from them. Intrusions subsequent to the 3d March, 1807, work a forfeiture of title or claim, if the intruder had any such, not previously recognized and confirmed by the United States; and the President is authorized to remove such intruders, and to employ, if necessary, military force for that purpose.

CASH PAYMENTS FOR LANDS ORDERED.

In 1806, April 18, Congress, by law, refused to receive in payment for purchases of public lands any more certificates or receipts of evidence of public debt after April 30, 1806, saving all rights under the old act. This required all payments to be made in cash.

Petitions, resolutions, legislative enactments, and personal applications for relief from the pressure of land purchases from the government under the credit system resulted in various acts of relief.

March 2, 1809, Congress passed an act to extend time of payment two years for residue of purchase-money due.

April 30, 1810, and December 12, 1811, Congress further extended the time for purchases made prior to January 1, 1806, and enacted conditions for re-entry of lands by applicants where time of payment had expired and the lands had reverted to the United States. June 30, 1812, Congress ordered that Treasury notes be taken at all land offices for public lands and payments thereon, and that credit should be given for principal and interest thereof. Acts for relief were further passed on April 23, 1812; July 6, 1812; March 3, 1813; February 19, 1814; February 4, 1815; April 24, 1816; April 18, 1818; March 3, 1819; March 30, 1820; March 2, 1821; April 20, 1822; March 3, 1823; May 18, 1824; May 26, 1824. These acts were all operative for the benefit of persons holding not over 640 acres. The Congress of the United States, April 24, 1820, provided for the sale of half quarter-sections, or 80-acre lots of land, and that credit should not be allowed for the purchase-money of any lands after July 1, 1820, but that complete payment must be made by the purchaser or applicant at the time of purchase; and by section 3 of this act, it was provided that the public lands offered should be sold at the "minimum" price of $1.25 per acre at either public or private sale, and provided for the entry or purchase by persons at the several district land offices of all lands which, prior to July 1, had been offered at public sale and remained unsold. It further provided for the sale of reverted lands, which were forfeited for non-fulfillment of purchase terms under the credit system. Previous to this time Congress had, by special acts, directed land sales to be made, but by this act it became the duty of the President, and has so continued to this day, to issue proclamations of sale of public lands through the Commissioner of the General Land Office. This act was a great innovation. It reduced the price of all public lands which should be offered to the minimum of $1.25 per acre, and after they were offered (*i. e.*, offered at public sale after due advertising and notice) such as remained unsold were to be held for sale at the district land office at $1.25 per acre, in unlimited quantities of not less than 80 acres (half quarter-sections) at private sale.

Thus, in the period from 1786 to 1820, the price had fallen from $2 to $1.25 per acre cash, and the quantity which might be sold was reduced from whole townships and eight sections to sections (640 acres), half-sections (320 acres), quarter-sections (160 acres), and half quarter-sections (80 acres), thus fostering small holdings at a low price, with deed in fee from the Government.

The disastrous credit system spread over Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, Louisiana, and Michigan. The general policy of land legislation by Congress was, for the first thirty years, to meet exigencies by temporary enactments from time to time. This policy was continued down to the period of the passage of the pre-emption act of 1841.

The stages developed to that period were: the sale by the Board of Treasury prior to May, 1800, under and by order of Congress direct, purchasers of tracts going to Congress by petitions, which were acted on and referred to the Board of Treasury; public sale at $2 per acre in tracts from townships, sections, and quarter-sections, until after 1805, when half quarter-sections were sold; all lands to be offered; then, if not sold at public vendue, to be open to purchase at $2 per acre at private sale.

The act of 1800, May 18, instituted the offices of registers and receivers, who sold land at definite points under orders of the Secretary of the Treasury; afterward, April

25, 1812, under orders of the Commissioner of the General Land Office, then a bureau in the Treasury Department, to whom they were and are now subordinate.

The act of April 24, 1820, the general provisions of which have been carried into the Revised Statutes, fixed the minimum price of the public lands at $1.25 per acre Thereunder the lands were sold to the highest bidder at public sales for not less than the minimum rate per acre, and at private sale, after the offering, at the minimum rate. The general pre-emption law of September 4, 1841, required payment at the minimum rate for lands entered thereunder; that is, the minimum rate fixed by the act of 1820. This is the price required of pre-emptors and parties who commute their homestead entries under section 2301 of the Revised Statutes, except where the lands have been enhanced to the double minimum price of $2.50 per acre, in which case the pre-emptor or homesteader is required by law to pay for the same at the increased rate. Congress, upon making grants of alternate sections of land for railroad purposes within certain limits, provided that the sections within such limits reserved to the government should be enhanced to the price of $2.50 per acre. This rate is double that of the minimum rate established by the act of 1820, and is, therefore, termed the "double-minimum" rate. These are the existing rates of disposal under the general provisions of law for the sale of the public lands upon bringing them into market, or under the pre-emption statutes and section 2301, Revised Statutes, above mentioned. Lands subject to entry, which had been enhanced to the double minimum price and put in market prior to January, 1860, by reason of railroad grants, were reduced to the minimum price by the act of June 15, 1880.

DISPOSAL OF PUBLIC LANDS BY PUBLIC OFFERING AND SALE.

In some of the early acts of Congress providing for bringing lands into market dates were fixed for the sales, and the superintendence of the sales was placed under the register of the land office, or the governor or secretary of the Territory. In the act of March 3, 1803, which, among other things, provided for the disposition of lands belonging to the United States south of the State of Tennessee, it was provided that the President of the United States should make public proclamation of the sales, fixing therein a day or days for the same to take place. By this act it was provided that the sales should be made under the direction of the governor of the Mississippi Territory, the surveyor of the lands, and the register of the land office, the sales to take place where the land offices were "kept." The act directing the survey and sale of the public lands in the Territories of Orleans and Louisiana, approved March 3, 1811, provided for proclamation of the sales of lands in the Territory of Louisiana by the President, and that the same should be under the direction of the register and receiver of the land office and the principal deputy surveyor. In the acts of 1803 and 1811 it was directed that the sales remain open for three weeks, and no longer.

The statutes and rules at present in force in respect to offerings are briefly stated below.

The act of April 24, 1820 (see sections 2360, 2353, eighth subdivision, and 2238, R. S.), provided that the public sales authorized thereby should be kept open two weeks, and no longer; it also provided that the tracts to be sold be offered for sale in half-quarter-sections; and thereby registers and receivers were allowed a fee of $5 each per diem for superintending the sales.

The act of June 28, 1834 (section 2359, R. S.), provided that lands exposed to public sale by order of the President shall be advertised for a period of not less than three nor more than six months prior to the day of sale, unless otherwise specially provided.

The act of August 3, 1846 (section 2455, R. S.), authorized the Commissioner of the General Land Office to order into market after due notice, without the formality and expense of a proclamation of the President, such isolated or disconnected tracts or parcels of unoffered lands which, in his judgment, it would be proper to expose to sale, and required that public notice of the offering for a period of at least thirty days should be given by the district officers pursuant to directions of the Commissioner. It is the rule to resort to published notice in such cases.

By a regulation of the General Land Office, district officers are allowed a crier and a clerk during the progress of the sales, at a stated per diem compensation.

Lands are offered for sale by public outcry, at not less than the minimum or double minimum price per acre, as the case may be, and are sold to the highest bidder in case bids are received.

Technical quarter-sections are sold in half-quarter-sections. Where practicable the north half of the section should be sold first, the order of offering being as follows: East half of northeast quarter; west half of northeast quarter; east half of northwest quarter; west half of northwest quarter; east half of southeast quarter; west half of southeast quarter; east half of southwest quarter; west half of southwest quarter. Such portions of sections as are designated by numbers on the plats are sold in the order of the numbers, as follows: Lot 1, lot 2, lot 3, lot 4.

The regulations require the district officers to keep a complete record in abstract form, day by day, as the sales progress, of each subdivision offered, and to note the sales made in the margin thereof, such notings as the following being desirable: Name of purchaser, date of sale, and the number of the certificate of purchase issued as the basis of a patent (which is also the number of the receipt for the purchase-money accompanying the certificate, a duplicate of which is given to the purchaser); and opposite the description of tracts offered, but not sold, the facts are required to be noted as follows: "Offered; no bids." When the sale is closed, it is required that the abstract of offerings be sent as a part of the official report of the district officers to the General Land Office, after making a copy of the same to be retained as a record in the district office. The practice in regard to making up the official reports of offerings has varied to some extent, but the above is substantially the present method.

The authority to proclaim lands for sale is not limited by law to a stated period of time after survey thereof. Of course it is not deemed safe or advisable to proclaim lands for sale prior to survey, even if contracts for survey thereof have been entered into.

The President is not empowered to proclaim lands for sale not authorized to be exposed to public sale by law of Congress; the laws authorizing such sales have reference to particular localities therein mentioned. There is no general provision of law authorizing public sales of all the vacant lands of the government, and a portion of the lands in the far west, the Territory of Utah, for instance, is not subject to be proclaimed for sale. The vacant lands generally in the Louisiana purchase are subject to be proclaimed for sale under the act of 1811, referred to above. The lands in Arkansas, Louisiana, Mississippi, Alabama, and Florida, which were restricted to homestead entry by the act of June 21, 1866, were authorized to be brought into market by proclamation for sale at public offerings by the act of June 22, 1876. Lands within the limits of the Pacific Railroad and branches, belonging to the government, in the even-numbered sections, were restricted to homestead and pre-emption entry by the act of March 6, 1868.

In view of a resolution of the House of Representatives, which passed some time after the recent war of the rebellion, and the general drift of public sentiment expressed in various ways, it is the present policy to hold lands outside of the Southern States above mentioned, not yet proclaimed for sale, for actual settlers.

The following is a printed form for proclamation of sales by the President:

Proclamation by the President of the United States.

In pursuance of an act of Congress of June 22, 1876, I, Rutherford B. Hayes, President of the United States of America, do hereby declare and make known that a public sale of valuable Government land will be held at the land office at Natchitoches, in the State of Louisiana, on Tuesday, April 13, 1880, at which time will be offered all lands not previously disposed of in the undermentioned townships and parts of townships, viz:

North of base-line and west of the —— meridian:

[Here is given lists of townships to be sold.]

Lands appropriated by law for the use of schools, military, or other purposes, or reserved for railroad purposes, will be excluded from the sale.

The offering of the above lands will be commenced on the day appointed, and will proceed in the order in which they are tabulated in the lists of sectional subdivisions until the whole have been offered and the sales thus closed; but the sale shall not be kept open longer than two weeks, and no private entry of any of the lands will be admitted until the day after the close of the public offering. All lands held at double minimum price will be disposed of at not less than two dollars and fifty cents ($2.50) per acre, and all the lands held at minimum price will be disposed of at not less than one dollar and twenty-five cents ($1.25) per acre. Lists of sectional subdivisions are in the hands of the district officers, and will be open for the examination of those desiring to purchase.

Given under my hand, at the city of Washington, this —— day of ———, A. D. 18—.

R. B. HAYES,
President of the United States.

By the President:
J. A. WILLIAMSON,
Commissioner of the General Land Office.

Notice to pre-emption claimants.

Every person entitled to the right of pre-emption to any of the lands within the townships and parts of townships above enumerated is required to establish the same to the satisfaction of the register and receiver of the Natchitoches land office, and make payment therefor as soon as practicable after seeing this notice, and before the day appointed for the commencement of the public sale of the lands embracing the tract claimed; otherwise such claim will be forfeited.

No pre-emption claim based on a settlement subsequent to the date of this proclamation, and prior to the offering, will be recognized by the Government.

J. A. WILLIAMSON,
Commissioner of the General Land Office.

SEVERAL PRICES OF THE PUBLIC LANDS AT VARIOUS PERIODS.

The United States from 1785 to 1880 has sold land at various prices, as follows:

Agricultural lands at the rates of 12½, 25, 50, 66⅔, and 75 cents, and $1.00, $1.25, and $2.50 per acre. Under the cash sales and pre-emption acts a vast area containing coal, and millions of acres of timber land, have been sold at the foregoing rates.

Mineral lands. In Michigan, Wisconsin, and other States lands containing copper and lead were formerly offered at public sale at not less than $5 per acre, and if not then disposed of they were to be held for private sale at that rate. Persons in possession under leases from the War Department, however, were to have preference right of purchase, at the rate of $2.50 per acre. Under present laws, except in the States of Michigan, Wisconsin, Minnesota, Missouri, and Kansas, lands valuable for minerals, contained in veins or lodes, or "rock in place," including lead, copper, gold, silver, cinnabar, iron, &c., are sold at the rate of $5 per acre. Lands containing "placer" deposits of minerals are sold at the rate of $2.50 per acre. In the States above excepted all lands are sold as agricultural.

Coal lands are sold at $20 per acre where situated within fifteen miles of a completed railroad; otherwise at $10 per acre.

Desert lands are sold at $1.25 per acre;

Saline lands at $1.25 per acre; and

Timber and stone lands at $2.50 per acre.

CHAPTER IX.

DONATIONS OF LAND AND SPECIAL GRANTS.

MISCELLANEOUS DONATIONS.

Running through the statutes of the United States for a period of ninety years is a series of laws for the disposition of the public domain other than by the cash, pre-emption, or homestead methods, perhaps a thousand in number, most of them obsolete because of execution, others still in force waiting confirmations under them or entire execution.

Congress for many years after the organization of the Government took up special and meritorious cases, and made grants of land in satisfaction of conceded cases of equity or merit.

LAND BOUNTIES TO BRITISH DESERTERS.

The first act of the Congress of the United States as to the disposition of public land was an act of the Continental Congress of August 14, 1776—an act offering to receive and make citizens of deserters from the British army (Hessians and British), and tendering each deserter, and to him or his heirs, to be held by him or them in absolute property, fifty acres of unappropriated land in some one of the States. By another act, of August 27, 1776, Congress proffered a quantity of unappropriated land in absolute dominion to such officers as should leave the armies of his Britannic majesty in America.

GRANT FOR RELIGIOUS PURPOSES.

Congress, July 23, 1787, in the ordinance defining the "powers to the Board of Treasury to contract for the sale of western territory," called attention to the reservation by the ordinance of May 20, 1785, of four sections in each township, viz: sections Nos. 8, 11, 26, and 29, to the use of the United States and for future disposition by Congress, and ordered the Board of Treasury to give lot (section) No. 29 in township or fractional part of a township perpetually for the purposes of religion. This grant was made for this purpose only in the Ohio Company's (Putnam and Cutler's) purchase and in the John Cleves Symmes tract, now in the State of Ohio. The patents to both the Ohio Company and John Cleves Symmes, issued by President Washington, set up this reservation of the twenty-ninth section in each township in the several tracts for the purpose of religion. This is the only direct and specific grant of land for religion to be found upon the United States statute books, although some grants have been made for mission purposes.

THE DORHMAN GRANT.

Arnold Henry Dorhman was agent for the United States at the court of Lisbon during the Revolutionary War. His house was an asylum for American sailors who had been captured by British cruisers. He fed, clothed, and nursed these unfortunates.

Congress, October 1, 1787, after stating an amount, for which he produced vouchers, recited that there was a still larger amount due him for such expenditures and for

which he could not produce vouchers satisfactory to the Treasury Department, in consideration of which they granted him, free of cost of survey or other charges, with legal reservations therein, a township of land in the now State of Ohio. The act of February 27, 1801, directed the President to issue patent for the thirteenth township in the seventh range to Arnold Henry Dorhman, or his legal representatives. This tract is known as the "Dorhman grant" or "tract."

GRANTS TO REFUGEES FROM CANADA AND NOVA SCOTIA.

During the War of the Revolution there was a force of Canadian officers and men in the Army of the United States, who were known as "refugees from Canada." Jonathan Eddy and others were also refugees from the province of Nova Scotia at the same time. They became refugees on account of their attachment to the cause and interests of the United States. Congress, April 23, 1783, in considering the Canadian and Nova Scotian refugees, ordered "that they (the Canadian refugees) for their virtuous sufferings in the cause of liberty be further informed that whenever Congress can consistently make grants of land they will reward, in this way, as far as may be consistent, the officers, men, and other refugees from Canada." Like action was had in the case of the refugees from Nova Scotia. With the addition of recommending them to "the humanity and particular attention of the several States in which they respectively reside." A long series of acts of Congress followed. The ordinance of May 20, 1785, reserved three townships on Lake Erie—now in Ohio—for the satisfaction of the grants to these refugees. This was never fully carried into effect, as other lands were appropriated in lieu thereof by the act of July 18, 1801.

GRANTS TO EBENEZER AND ISAAC ZANE.

May 17, 1796, Congress granted to Ebenezer Zane three tracts of land one mile square, one on the Muskingum, one on the Scioto, and one on the Hockhocking River, in the State of Ohio, for the purpose of building ferries on the road from Wheeling, Va., to Limestone, which road he was to open under the direction of the President of the United States. These grants were confirmed to Zane and patented February 14, 1800. The rates of ferriage at said ferries were to be "ascertained [fixed] by any two of the judges of the territory northwest of the river Ohio, or such authority as shall be appointed for that purpose."

April 3, 1802, Congress ordered the same allowance to Isaac Zane, his heirs or assigns, locatable within the Northwest Territory, now in the State of Ohio.

GRANT TO THE FRENCH OF GALLIOPOLIS.

The French grant to the French inhabitants of Galliopolis (now in Ohio) was made by Congress March 3, 1795.

October 27, 1787, the Board of Treasury contracted with the Ohio Company for the sale to them of certain lands in (now Ohio) the western territory—Cutler, Sargent, and others. Cutler and Sargent, October 29, 1787, assigned a moiety of the land described in the (second) contract with the Board of Treasury to William Duer and associates. This portion of the land Joel Barlow was sent to Europe to dispose of. Duer and associates became the Scioto Company, to whom the lands purchased of the Ohio Company by Duer were conveyed. The agent of this company in conjunction with Barlow disposed of the lands to companies and individuals in France. These purchasers came to America, and were met by Duer as agent for the Scioto Company and sent to Gallipolis, on the Ohio River. Here each settler was presented with a deed for two lots in town and a four-acre out-lot. The place of these locations was discovered to be outside of the lands embraced in the first contract between the United States and the Ohio Company, and also the land confirmed to that company by Congress April 21, 1792. So, to quiet their title and give their holdings a legal status, Congress passed the several relief bills, beginning March 3, 1795, and followed by two several acts thereafter.

GRANTS TO THE MARQUIS LAFAYETTE.

March 3, 1803, Congress directed the Secretary of War to issue land warrants to Major-General La Fayette for 11,520 acres. The land was to be located, surveyed, or patented at his option, or the warrants could be received in payment for lands within the present State of Ohio. March 27, 1804, Congress ordered that the warrants above granted might be located by General La Fayette in Orleans Territory.

Congress, December 28, 1824, ordered that $200,000 be paid to General La Fayette, and granted him or his heirs a township of land, which was afterward located in Florida.

THE LEWIS AND CLARKE GRANT.

March 3, 1807, Congress granted Lewis and Clarke and their subordinates lands for services in exploring the Louisiana purchase.

THE NEW MADRID GRANT.

February 17, 1815, Congress ordered that persons owning lands in the county of New Madrid, in Missouri Territory (now State), November 10, 1812, and whose lands had been materially injured by earthquake, should be permitted to locate the like quantity of land on any of the public lands of the said Territory, the sale of which was authorized by law. This act was frequently amended, and scrip issued.

THE LEVEE GRANTS.

May 26, 1824, Congress granted tracts of land in their limits to the parish of Point Coupee and the parish of West Baton Rouge on condition that they should keep a good and sufficient levee on said land, in front and on the river Mississippi.

MORAVIAN INDIAN GRANTS.

John Etwein, president of the Moravian Brethren's Society, at Bethlehem, for Propagating the Gospel among the Heathen, petitioned Congress for a grant of land in the western country for the use of certain Indians formerly residing thereon. The ordinance of May 20, 1785, provided "that the towns of Gnadenhutten, Schoenbrun, and Salem, on the Muskingum, and so much of the lands adjoining to the said towns, with the buildings and improvements thereon, shall be reserved for the sole use of the Christian Indians who were formerly settled there, or the remains of that society." Congress, September 3, 1788, ordered that the reservations be made (which was done) of 4,000 acres for each of the three towns named, all being in Tuscarawas County, Ohio.

August 4, 1823, Lewis D. de Schweinitz, on behalf of the Society of the United Brethren for Promulgating the Gospel among the Heathen, and Lewis Cass, on the part of the United States, at Gnadenhutten made an agreement whereby the Moravians retroceded the grants of land above set out to the United States. After deducting leaseholds and grants made by the society, $43,356 was expended by the society under this trust up and to August 21, 1822, and their receipts from the lands were $9,998.58¼, leaving a deficit of $32,587.50¾. The United States reimbursed the society for surveys and locations.

The agreement set out that the revocation of the trust and transfer to the United States was conditioned upon the consent of the persons for whom the trust was created being first obtained—"the persons" meaning the Christian Indians, who were formerly settled there, or the remains of that society, including Killbuck and his descendants, and the nephews and descendants of the late Captain White-Eyes, Delaware chiefs—or such persons as are now entitled to the benefits of the trust: "the motives of the society being to divest themselves of a trust burdensome to them and useless to the Indians, that their funds devoted to charitable purposes may be applied where there is a prospect that they will produce some permanent advantage." This agreement was affirmed by the society September 26, 1823.

November 8, 1823, Lewis Cass, for the United States, made an agreement with the Indians above named, or their heirs or descendants, known as the Society of Christian Indians, affirming and consenting to the act of retrocession to the United States of date August 4, 1823, with certain conditions as to reservation of land. This agreement granted them annuities, which were realized by the sale of the lands in the tracts named and placing the principal at interest. The deed of retrocession was executed April 24, 1824, President Monroe having approved the agreement November 8, 1823.

GRANT TO POLISH EXILES

June 30, 1834, Congress granted a quantity of land for certain Polish exiles—two hundred and thirty-five in number—embracing thirty-six sections, which agents located for them. Two townships were surveyed for them near Rock River, in Illinois. These exiles from Poland were sent to the United States under order of the Emperor of Austria.

LANDS GRANTED TO THE DEAF AND DUMB ASYLUM OF KENTUCKY.

By the act of April 5, 1826 (6 Stats., p. 339), there was granted to the Deaf and Dumb Asylum of Kentucky one township of land, excepting the sixteenth section, for the education of indigent deaf and dumb persons, with authority to sell said lands within five years, to be located in one of the Territories on lands to which the Indian title had been extinguished.

By the act of January 29, 1827 (4 Stats., p. 202), the location of so much of the grant as had been located on lands previously taken by claims of pre-emptors in the Territory of Florida was extended to unappropriated and unreserved lands in either of the Territories of Florida or Arkansas.

By the act of March 3, 1843, the trustees of the Centre College of Kentucky were invested with all the rights of the Deaf and Dumb Asylum of Kentucky in the grant, provided that the proceeds of the sale of the lands were not diverted from the purposes and intention of the original grant.

By the acts of April 11, 1836, July 20, 1840, April 14, 1842 (6 Stats., pp. 629, 810, 828), February 18, 1847 (9 Stats., p. 684), March 11, 1852 (10 Stats., p. 726), and February 7, 1857 (11 Stats., p. 496), the time within which the lands were to be sold by the original grant, was extended to 1862, excepting that portion located in Arkansas, which was limited to two years from the 5th day of April, 1842.

The lands located and patented under the grant amounted to 22,508.65 acres, of which 20,411.22 were situated in Florida, and 2,097.43 in Arkansas.

GRANT TO JEFFERSON COLLEGE, IN MISSISSIPPI.

The grant to Jefferson College, Mississippi, is concisely stated in the order of the Secretary of the Treasury dated October 5, 1812, as follows:

TREASURY DEPARTMENT.

Whereas by an act of Congress passed on the third day of March, one thousand eight hundred and three, entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States south of the State of Tennessee," thirty-six sections of land to be located in one body, by the Secretary of the Treasury, for the use of Jefferson College were excepted from the sales of public lands in the Mississippi Territory;

And whereas by another act of Congress passed on the twentieth day of February, one thousand eight hundred and twelve, entitled "An act authorizing the Secretary of the Treasury to locate the lands reserved for the use of Jefferson College in the Mississippi Territory," the Secretary of the Treasury is specially authorized and empowered to make the said location on any lands within the said Territory not sold or otherwise disposed of, and to which the Indian title has been extinguished.

Now therefore be it known that I, Albert Gallatin, Secretary of the Treasury, in pursuance of the authority vested in me as aforesaid, do hereby locate for the use of Jefferson College the sections numbered one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-

six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-six, in township numbered ten in the second range west of the basis meridian, and the adjoining sections numbered thirty and thirty-one, in township numbered ten in the first range west of the basis meridian of the land district east of Pearl River, in the Mississippi Territory.

Given under my hand and seal of office this fifth day of October, in the year one thousand eight hundred and twelve.

[SEAL] ALBERT GALLATIN,
Secretary of the Treasury.

SPECIAL GRANTS AND DONATIONS.

These special grants or donations, comprising almost all of any note, run through a period of more than fifty years. For a complete list thereof see Statutes at Large from 1789 to 1850. Considering the tens of thousand of schemes presented, asking for donations of lands, the past legislation would indicate a jealous care on the part of Congress of special legislation relating to donations from the public domain.

The enactment of general settlement laws and the organization of a pre-emption system prevented many more special grants from being made. The obtaining of grants in many instances depends upon the energy and ability of the persons interested in them.

CHAPTER X.

THE PRE-EMPTION ACTS.

The first enactment relating to pre-emption was the act of March 3, 1801, giving a right of "pre-emption" to certain persons who had contracted with John Cleves Symmes, or his associates, for lands lying between the Miami rivers, in the Territory of the United States, northwest of the Ohio River. These persons were living upon the lands once within the Symmes tract, but were not included in the patent for the reduced area, which he finally obtained.

This pre-emption or preference right thus first established was a step toward abolishing the sale of unoffered land, and giving a settler the first right or preference as against a person desiring to purchase and hold for investment or speculation.

The essential conditions of a pre-emption are actual entry upon, residence in a dwelling, and improvement and cultivation of a tract of land. The several pre-emption acts give a preference to the settlers.

Pre-emption is a premium in favor of and condition for making permanent settlement and a home. It is a preference for actual tilling and residing upon a piece of land. The original act was followed through the period from 1801 to 1841—forty years—by sixteen acts; the most important being the act of 1830. Under the act of April 5, 1832, the Secretary of the Treasury, in 1834, ordered the subdivision of 80-acre tracts into 40-acre lots—quarter-quarter sections—and the minimum subdivision for sale or entry was a 40-acre parcel at $1.25 per acre.

EFFORTS TO CONFINE ITS BENEFITS TO CITIZENS.

During the consideration and prior to the passage of the pre-emption act of June 22, 1838, first session Twenty-fifth Congress, Mr. Merrick, of Maryland, in the Senate, moved as an amendment: "That the benefits of pre-emption be confined to citizens of the United States, excluding unnaturalized foreigners, or those who had declared their intentions to become citizens."

The vote upon Mr. Merrick's motion was—yeas: Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Knight, Prentis, Preston, Rives, Robbins, Smith of Indiana, Southard, Spence, Tallmage, Tiption—15. Nays: Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Manton, Nicholas, Niles, Nowell, Pierce, Roane, Robinson, Sevier, Walker, Webster, White, Williams, Wright, Young of Illinois—28.

So the amendment was not adopted.

June 1, 1840, and the more complete act of September 4, 1841, gave a preference right only where the settlement was made subsequent to survey, which were amended and improved by acts of March 5, 1843, March 3, 1853, March 27, 1854. The two latter acts modified this rule as to settlement, so as to permit pre-emptions to extend to unsurveyed lands in California, Oregon, Minnesota, Kansas, Nebraska, and New Mexico. The act of May 30, 1862, and sundry bills for relief of settlers passed at different dates, extended the time of payment on account of drought, plague from grasshoppers, &c. The act of March 3, 1873, authorized joint entries, and the act of March 3, 1879, prescribed the manner of making "final proof."

By the act of March 3, 1853, preference rights attached to alternate even-numbered sections along the lines of railroads where settled upon and improved prior to final allotment of the granted sections, and to lands once covered by French, Spanish, or other grants declared invalid by the Supreme Court of the United States.

By act of March 27, 1854, persons were secured in lands withheld for railroads where their settlements were made prior to the withdrawal from market.

The municipal town-site law of 1844, and the pre-emption provisions in the graduation act of 1854, gave way, the former to the town property and coal-land legislation of 1864 and 1865, the latter to the homestead statutes of 1862, 1864, 1866, the law of 30th May, 1862, intervening in regard to pre-emption and other important interests.

PRESENT LAW, JUNE 30, 1880.

The privilege of pre-emption now extends to settlement on unsurveyed as well as on surveyed lands, and a credit of from twelve to thirty-three months is given the pre-emptor by residence thereon.

By act of application at a district land office and the payment of a fee for the registration of his claim, a person gains the right to occupy thereunder a certain tract of land, offered or unoffered, now not more than 160 nor less than 40 acres (in the first act the quantity was 640 acres), for a limited period, with obligation at the end of that period to pay to the United States $1.25 per acre for the land in the tract claimed or entered, and receive a patent therefor.

Any person seeking the benefits of pre-emption under the laws now in force must be the head of family, a widow, or a single man over twenty-one years of age, a citizen of the United States, or must have filed a declaration of intention to become such, and that he is not the owner of 320 acres of land within the United States, and must be a person who has not quit or abandoned his or her own land in the same State or Territory to reside upon the public lands.

Actual settlement upon the tract claimed, for the exclusive use and benefit of the pre-emptor, and not for purposes of sale or speculation, must be shown, under the rules and regulations of the department, to the satisfaction of the register and receiver. Upon these simple requisites entry may be made to the extent of one quarter-section or other compact body, not exceeding 160 acres (unless the quarter-section subdivision exceeds this amount by a fractional number of acres) upon any of the public lands of the United States to which the Indian title has been extinguished, not reserved, nor included within the limits of any incorporated town or selected for town-site purposes, or actually settled and occupied for trade and business, or lands which contain any known salines or minerals, except in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, in which, by special act of Congress of June 2, 1866, the public lands are brought exclusively under the provisions of the homestead act, and by act July 4, 1876, are subject to private entry, after first being offered.

THE BENEFITS OF THE PRE-EMPTION SYSTEM.

The pre-emption system arose from the necessities of settlers, and through a series of more than 57 years of experience in attempts to sell or otherwise dispose of the public lands. The early idea of sales for revenue was abandoned, and a plan of disposition for homes was substituted. The pre-emption system was the result of law, experience, Executive orders, departmental rulings, and judicial construction. It has been many-phased, and was applied by special acts to special localities, with peculiar or additional features, but it has always and to this day contains the germ of actual settlement, under which thousands of homes have been made and lands made productive, yielding a profit in crops to the farmer and increasing the resources of the Nation. The necessity of protecting actual settlers on the public domain and giving a preference right to persons desiring to make homes thereon became more apparent in the years from 1830 to 1840. The receipts of the government from cash land sales, during that period, was $81,913,017.83; in the years 1835 and 1836 being, respectively,

$15,999,804.14 and $25,167,833.06. The largest yearly receipts before or since, and representing about 32,800,000 of acres (approximating the area of the present State of Alabama, and more than the area of Ohio or Indiana), were as follows:

In 1837	$6,770,036 52
In 1838	3,081,939 47
In 1839	7,076,447 35
In 1840	3,242,285 58
In 1841	1,363,090 04

The number of entries thereunder, acreage, and locations cannot be given in detail, because the system of the General Land Office carries them into "cash entries." Entries under the pre-emption act as to acres therein and cash receipts therefor are embraced in the annual cash receipts from sales of lands.

The cash disposals of lands from the beginning of the land system to June 30, 1880, are estimated at 169,832,564 acres. This includes pre-emption, homestead commutation, and graduation act entries, together with perhaps 20,000,000 acres, originally entered under some special settlement or other law, and are accounted for under different titles as well as under this chapter.

FORM OF PATENT FOR CASH OR PRE-EMPTION ENTRY.

(4—407.)

Certificate No. —.

The United States of America, to all to whom these presents shall come, greeting:

Whereas ——— ——— ha deposited in the General Land Office of the United States a certificate of the register of the land office at ———, whereby it appears that full payment has been made by the said ——— ——— according to the provisions of the act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for ——— ———, according to the official plat of the survey of said lands, returned to the General Land Office by the Surveyor General, which said tract ha been purchased by the said ——— ———,

Now know ye, that the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said ——— ——— and to ——— heirs the said tract above described: to have and to hold the same together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature thereto belonging unto the said ——— ———, and to ——— heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, I, ——— ———, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the ——— day of ———, in the year of our Lord one thousand eight hundred and ———, and of the Independence of the United States the one hundred and ———.

By the President: ——— ———.

[SEAL.] By ——— ———, *Secretary.*

——— ———, *Recorder of the General Land Office.*

Recorded, vol. —, page —.

CHAPTER XI.

SALINE LANDS.

RESERVATIONS AND GRANTS.

In the act of Congress of May 18, 1796, which provided for the sale of the public lands in a portion of the territory northwest of the river Ohio, was a proviso that salt springs were to be reserved for the use of the United States, together with a section of one mile square, which should include the spring. A whole township of land was to be reserved with one particular spring named in the act, situated on a creek emptying into the Scioto River. By the act of 1800 the surveyor-general had authority to lease these reserved lands. The acts for the admission of all the public-land States up to Nevada, gave to them all the salines not exceeding twelve in number in the respective States, together with six sections of land with each spring for school purposes and public improvements.

NOT SUBJECT TO ENTRY UNDER PRE-EMPTION OR HOMESTEAD LAW.

In the pre-emption act of September 4, 1841, sec. 10, it was ordered that "no lands on which are situated any known salines, or mines, shall be liable to entry under and by virtue of the provisions of this act." The homestead act of May 20, 1862, reaffirmed the exceptions in the pre-emption act of 1841, and its amendments. Salines were disposed of by special acts of Congress—until after the admission of the State of Nebraska into the Union, April 19, 1869.

CHANGE IN SALINE LAWS.

The act of January 12, 1877 (see circular General Land Office April 10, 1877), provided a new mode of proceeding by which such lands are rendered subject to disposal as other public lands. Under its provisions a hearing is ordered and witnesses are examined as to the character of the land in question, and the testimony taken at the hearing is transmitted to the General Land Office for its decision. Should the tracts be adjudged agricultural, they will be subject to disposal as such. Should the tracts be adjudged saline in character, they would be offered at public sale to the highest bidder for cash, at a price of not less than $1.25 per acre. In case they are not sold, the same will be subject to private sale at a price of not less than $1.25 per acre, in the same manner as other public lands are sold. This law is not operative in the Territories nor in the States of Mississippi, Florida, Louisiana, California, and Nevada, because their former saline grants have not as yet been filled.

AREA OF GRANTS TO THE SEVERAL STATES.

The following table shows the area and dates of grants, by Congress, of salines to the several States:

States.	Area.	Under what acts of Congress.
	Acres.	
Ohio	24,216	May 18, 1796; April 30, 1802; March 26, 1804.
Indiana	23,040	April 19, 1816.
Illinois	121,029	April 18, 1818.
Missouri	46,080	March 6, 1820.
Alabama	23,040	December 14, 1819.
Michigan	46,080	June 23, 1836.
Arkansas	46,080	June 23, 1836.
Iowa	46,080	March 3, 1845.
Minnesota	46,080	February 26, 1857.
Oregon	46,080	February 14, 1859.
Kansas	46,080	January 29, 1861.
Nebraska	46,080	April 19, 1864.
Total	559,965	

NOTE.—With the exception of the States of Ohio, Indiana, and Alabama, each of which were granted 36 sections of land lying contiguous to the salt springs, 6 sections for each, for the use thereof; and of the State of Illinois which was granted all the springs in the State, and the same quantity of land for each, the remaining States in the above list were each granted 12 springs together with 6 sections of land for the use of each spring, lying contiguous thereto. They were patented by the United States to the several States, which disposed of them as they thought best.

CHAPTER XII.

SWAMP AND OVERFLOWED LANDS.

LEGISLATION RELATING TO SWAMP LANDS.

The attention of the Congress of the United States was early called to the fact of vast areas of worthless public lands, lying as marshes, or subject to periodical overflow by adjacent water-courses.

Efforts to make these lands the subject of national legislation were first made in 1826 by a senator from Missouri, who then unsuccessfully endeavored to obtain a cession to Missouri and Illinois of the swamps within the limits of those States respectively.

Other efforts were made at intervals, but no definitive action was taken until the passage of the act of March 2, 1849, applicable exclusively to Louisiana, a large extent of the territory of which was annually overflowed. Along the Mississippi, the alluvial margin is from one to two miles wide; and to prevent the inundation of that river, an artificial embankment or levee system had been resorted to—extending, on the east side of the river, from forty miles below New Orleans to a distance up the river of one hundred and eighty miles, and on the west side generally to the Arkansas boundary.

To aid Louisiana "in constructing the necessary levees and drains to reclaim the swamps and overflowed lands therein," Congress, by the act of March 3, 1849, granted to that State "the whole of those swamps and overflowed lands which may be, or are, found unfit for cultivation."

The General Government, in the spirit of enlarged public policy, conceded this class of inundated lands to aid in the construction of permanent levees, with a view to secure private property, the theory being reclamation of the lands through the States, and also as a sanitary measure.

Then followed the law of September 28, 1850, extending the grant to enable the "State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein," the fourth and last section of which enlarged the grant so as to embrace "each of the other States of the Union in which such swamp and overflowed lands, known and designated as aforesaid, may be situated." When this measure had its origin, and before it became general, the grant was estimated as taking some five millions of acres. This and subsequent enactments has taken from the public domain to June 30, 1880, by patent, 51,952,196.10 acres; and there are now in the General Land Office claims by States under these several acts (including patented lands) for 69,206,522.06 acres. Sec. 2480, R. S., gives the spirit and intent of the act act as far as disposition of the proceeds from the sale of said lands by the States: "The proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming of said lands, by means of levees and drains."

The reasons assigned for this donation to the several States were:

1. The alleged worthless character of the premises in their natural condition, and the inexpediency of an attempt to reclaim them by direct national interposition.

2. The great sanitary improvement to be derived from the reclamation of extensive districts notoriously malarial, and the probable occupancy and cultivation that would follow.

3. The enhancement in value, and readier sale, of adjoining Government property.

The measure as originally reported granted only such tracts as were designated on the plats of the Government surveys as swamp and unfit for cultivation. Subsequent amendments added to this the "overflowed lands," conveying to the States the swamp, or inundated, without reference to their description on the plats of survey.

At an early day (1851) in the administration of the act, a decision was rendered by the then Secretary of the Interior, that the law was a grant *in præsenti*. Whilst this class of lands was unsegregated, the laws for the public and private sales and location of the public lands were in active progress. The result was that multitudes of conflicts arose, growing out of entries and locations made by individuals of lands which *afterwards* were selected and claimed as swamp.

With a view to protect individual sales and locations in conflict with the swamp grant, which, under the said decision, took precedence, Congress deemed it proper to intervene by act, approved 3d March, 1855, conferring authority for the recognition and patenting of such sales, and at the same time stipulating indemnity in cash for sales which had been made by the United States of lands claimed as within the swamp grant of 1850, and in *other* land for tracts of that class taken by individual locations.

In extending, by the act of March 12, 1860, the swamp grant of 1850 to the States of Minnesota and Oregon, which had been admitted into the Union subsequent to the original grant, Congress have laid down two important and just principles, essential indeed to the successful and harmonious administration of the various laws under which the land system is in operation; and these are, first, that the grant shall not include any lands which the Government "may have reserved, sold, or disposed of (in pursuance of any law heretofore enacted) prior to the confirmation of title to be made under the authority of said act"; and provided a limitation for the time of selection.

By acts of March 4, 1849, September 28, 1850, March 2, 1855, March 3, 1857, Congress not only conceded swamp and overflowed lands "in place," but when lands of this class had been sold as arable, or located with bounty warrants, the statute authorized the Department in the one case to pay over in money to the State authorities the amount of such sales, and in the other to give to the State an equivalent in public lands.

This was a cash and land indemnity.

The total amount of indemnity adjusted and allowed since the passage of the indemnity acts to June 30, 1875, was $801,416.60 for cash entries of swamp lands, and 654,351.47 acres for swamp lands located with warrants or scrip. Special certificates were issued to States for acres to be taken on other public lands in lieu of tracts covered by bounty-land warrants or scrip. The various laws fixed the method of selection and patenting.

With the exception of California, Michigan, Minnesota, and Wisconsin, selections of swamp lands are made by agents of the State and proof of the swampy character of the land furnished.

In Michigan, Minnesota, and Wisconsin, selections are made by the surveyor general, or the General Land Office, from the field-notes of survey.

The tracts inuring to California are determined by three methods under the fourth section of the act of July 23, 1866 (14 Stats., p. 218).

The proof required by the General Land Office is set out in a series of circulars of instructions issued from that office, beginning in 1850. The annual reports since 1850 of the General Land Office contain the reports of the division (now K) in charge of such entries.

The swamp-land acts have been the subject of much complaint of fraud, actual fraud, and deceit. Their execution has been attended with great difficulty, and lists certified thereunder have required constant and most exact scrutiny. Millions of

acres have been listed as swamp lands, which are now suspended for investigation. Special agents have been, and are now, employed to unearth frauds under this act against the Government. The Commissioners of the General Land Office for years have called the attention of Congress to the frauds and attempted frauds under these several acts by States and their agents.

The amounts realized by the different States and the prices paid to them by individuals and corporations for these lands (many as low as 10 cents per acre, and now the best agricultural land in some of these States), would be an interesting chapter. Such grants are always fertile fields for schemes. See legislative and political history of the several States for this.

The area thus far claimed, and in process of being claimed, by the several States under these various acts, about equals the whole surface of the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, Maine, New Jersey, Delaware, Maryland, and West Virginia.

A total of 69,206,522.06 acres of public lands have been claimed, to June 30, 1880, as swamp and overflowed lands, by States in which they lie, and patents have been issued for 51,952,196.20 acres.

FORM OF SWAMP LAND PATENT.

The following is the form used for swamp-land patents, except those for lands in Minnesota and Oregon, in which reference is made to the act of March 12, 1860:

No. —.

The United States of America, to all to whom these presents shall come, greeting:

Whereas, by the act of Congress approved September 28, 1850, entitled "An act to enable the State of Arkansas and other States to reclaim the 'swamp lands' within their limits," it is provided that all the "swamp and overflowed lands," made unfit thereby for cultivation, within the State of ——— which remained unsold at the passage of said act, shall be granted to said State:

And whereas, in pursuance of instructions from the General Land Office of the United States, the several tracts or parcels of land hereinafter described have been selected as "swamp and overflowed lands," inuring to the said State under the act aforesaid, situate in the district of lands subject to sale at ———, to wit: [Description of tracts, with the area in each township and the aggregate area embraced in the patent] according to the official plats of survey of said lands, returned to the General Land Office by the surveyor general, and for which the governor of the said State of ———, did, on the —— day of ———, one thousand eight hundred and ——, request a patent to be issued to the said State, as required in the aforesaid act:

Now, therefore, know ye, that the United States of America, in consideration of the premises, and in conformity with the act of Congress aforesaid, have given and granted, and by these presents do give and grant, unto the said State of ———, in fee-simple, subject to the disposal of the legislature thereof, the tracts of land above described; to have and to hold the same, together with all the rights, privileges, immunities, and appurtenances thereto belonging, unto the said State of ———, in fee-simple, and to its assigns forever.

In testimony whereof I, ——— ———, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the —— day of ———, in the year of our Lord one thousand eight hundred and ——, and of the Independence of the United States the one hundred and ——.

By the President: ——— ———,
[SEAL.] By ——— ———, *Secretary.*

——— ———,
Recorder of the General Land Office.

OPERATIONS UNDER THE SWAMP LAND ACTS TO JUNE 30, 1880.

States.	Number of acres claimed under the several acts granting swamp lands, reported to the General Land Office prior to June 30, 1880.	Number of acres approved to Louisiana under the grant of 1849 prior to June 30, 1880.	Number of acres patented under the grant of 1850 prior to June 30, 1880.	Number of acres patented pursuant to the indemnity provisions of the acts of 1855 and 1857 prior to June 30, 1880.
Alabama	479, 514. 44		395, 315. 09	
Arkansas	8, 652, 472. 93		7, 130, 114. 90	
California	1, 736, 432. 87		1, 413, 553. 71	
Florida	15, 656, 859. 23		14, 500, 851. 86	
Illinois	3, 267, 470. 65		1, 451, 974. 78	2, 309. 07
Indiana	1, 354, 732. 50		1, 252, 708. 21	4, 880. 20
Iowa	3, 449, 720. 18		852, 527. 51	321, 468. 23
Louisiana (act of 1849)	10, 817, 830. 88	8, 291, 311. 91		
Louisiana (act of 1850)	543, 339. 13		217, 973. 91	
Michigan	7, 373, 804. 72		5, 640, 313. 21	18, 903. 93
Minnesota	3, 755, 073. 33		1, 359, 886. 32	
Mississippi	3, 070, 645. 29		2, 681, 383. 16	
Missouri	4, 719, 256. 00		3, 278, 108. 01	37, 062. 23
Ohio	54, 458. 14		25, 640. 71	
Oregon	174, 205. 92		4, 449. 54	
Wisconsin	4, 200, 705. 85		3, 036, 548. 86	34, 910. 75
Total	69, 206, 522. 06	8, 291, 311. 91	43, 241, 349. 78	419, 534. 41

Total acres patented to June 30, 1880, under all acts, as above, 51,952,196.10.

CHAPTER XIII.

EDUCATIONAL LAND GRANTS BY THE UNITED STATES TO PUBLIC-LAND AND OTHER STATES.

GRANTS AND RESERVATIONS.

The lands granted in the States and reserved in the Territories for educational purposes by acts of Congress from 1785 to June 30, 1880, were—

For public or common schools,

Every sixteenth section of public land in the States admitted prior to 1848, and every sixteenth and thirty-sixth section of such land in States and Territories since organized—estimated at 67,893,919 acres.

For seminaries or universities,

The quantity of two townships, or 46,080 acres, in each State or Territory containing public land, and, in some instances, a greater quantity, for the support of seminaries or schools of a higher grade—estimated at 1,165,520 acres.

For agricultural and mechanical colleges.

The grant to all the States for agricultural and mechanical colleges, by act of July 2, 1862, and its supplements, of 30,000 acres, for each Representative and Senator in Congress to which the State was entitled, of land "in place" where the State contained a sufficient quantity of public land subject to sale at ordinary private entry at the rate of $1.25 per acre, and of scrip representing an equal number of acres where the State did not contain such description of land, the scrip to be sold by the State and located by its assignees on any such land in other States and Territories, subject to certain restrictions. Land in place, 1,770,000 acres; land scrip, 7,830,000 acres; total, 9,600,000 acres.

In all, 78,659,439 acres for educational purposes under the heads above set out to June 30, 1880.

The lands thus ceded to the several States were disposed of or are held for disposition, and the proceeds used as permanent endowments for common school funds. (See Reports of the Commissioner of Education, Hon. John Eaton, to June 30, 1880; land and auditors' reports of the several land States; Kiddle & Schem's Dictionary of Education; and also ninth census, F. A. Walker, Superintendent, for details of endowments of the several States for common schools resulting from sales of United States land grants for education.) As an illustration, the State of Ohio has a permanent endowment for education called the "Irreducible State Debt," the result of sale of all granted lands for education, of $4,289,718.52.

EARLY EDUCATIONAL INTEREST.

The importance attached to education by the founders of the Republic is shown by the provisions they made for its permanent endowment. Indeed, in the earliest set-

tlements on this continent of the Anglo-Americans, measures were adopted in the cause of education, not only as essential to morals, social order, and individual happiness, but as necessary to new and liberal institutions. Every immigrant ship had its school-master on board, each settlement erected its school-house, and the cultivation of the mind advanced with the culture of the soil from the landing of the Mayflower through our colonial history.

Prior to the revolution, in the different colonies the subject of popular education had attracted attention, and provision had been made for its practical realization. The theory of *general* education found no basis in the aristocratic social constitution of the mother country, while in the colonies themselves were to be found influences decidedly hostile to it. The injustice and persecution, however, which had caused the immigration to this country, especially to the northern colonies, wonderfully neutralized the religious and political prejudices of our forefathers, and prepared them to accept doctrines of very opposite tendency. The comparative feebleness of aristocratic *prestige* in the forests of the New World permitted the development of the sentiment of independent manhood. The establishment of democracy was followed by the natural development of its principles, especially in the direction of popular education.

After the erection of the States into an independent republic, and before the adoption of the Constitution, the Continental Congress, by the ordinance of 20th May, 1785, respecting the disposition of lands in the Western Territory, prepared the way for the advance of settlements and education as contemporaneous interests.

THE FIRST RESERVATION FOR SCHOOL PURPOSES—THE SIXTEENTH SECTION.

Mr. Jefferson, Mr. Dane, Mr. Madison, and other statesmen of that day assumed, without question, that a government, as the organ of society, enjoys the right, and is vested with the power, to meet the necessity of public education. So the question of the endowment of educational institutions by the Government in aid of the cause of education seems to have met no serious opposition in the Congress of the Confederation, and no member raised his voice against this vital and essential provision relating to it in the ordinance of May 20, 1785, "for ascertaining the mode of disposing of lands in the Western Territory." This provided: "There shall ber eserved the lot No. 16 of every township for the maintenance of public schools within said township "

This was an endowment of 640 acres of land (one section of land, one mile square) in a township 6 miles square, for the support and maintenance of public schools "within said township." The manner of establishment of public schools thereunder, or by whom, was not mentioned. It was a reservation by the United States, and advanced and established a principle which finally dedicated one thirty-sixth part of all public lands of the United States, with certain exceptions as to mineral, &c., to the cause of education by public schools.

July 23, 1787, in the report from a committee consisting of Messrs. Carrington, King, Dane, Madison, and Benson, reporting an ordinance of "Powers to the Board of Treasury" to contract for the sale of western territory in the Continental Congress, it was ordered "That the lot No. 16 in each township, or fractional part of a township, to be given perpetually for the purpose contained in said ordinance" (the ordinance of May 20, 1785, above referred to). This additional legislation made the reservation of the sixteenth section perpetual.

In the Continental Congress, July 13, 1787, according to order, the ordinance for the government of the "Territory of the United States northwest of the river Ohio" came on, was read a third time, and passed. It contained the following:

> ART. 3. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

The provision of the ordinance of May 20, 1785, relating to the reservation of the sixteenth section in every township of public land, was the inception of the present rule of reservation of certain sections of land for school purposes.

The endowment was the subject of much legislation in the years following. The question was raised that there was no reason why the United States should not organize, control, and manage these public schools so endowed. The reservations of lands were made by surveyors and duly returned.

This policy at once met with enthusiastic approval from the public, and was tacitly incorporated into the American system as one of its fundamental organic ideas. Whether the public schools thus endowed by the United States were to be under national or State control remained a question, and the lands were held in reservation merely until after the admission of the State of Ohio in 1802.

The movement in the cause of education was not confined to the legislative department, for at an early period the public mind was aroused to the importance of the subject by elaborate papers emanating from eminent men, among whom stands conspicuous Dr. Benjamin Rush, one of the signers of the Declaration of Independence, who in 1786 memorialized the legislature of Pennsylvania in favor of a thorough system of popular instruction, maintaining that it was favorable to liberty, as freedom could only exist in the society of knowledge; that it favors just ideas of law and government; that learning in all countries promotes civilization and the pleasure of society; that it fosters agriculture, the basis of national wealth; that manufactures of all kinds owe their perfection chiefly to learning; that its beneficial influence is thus made coextensive with the entire scope of man's being, mortal and immortal, individual and social. At a later period, 1790, the same great man addressed a Congressional representative from Pennsylvania, declaring that "the attempts to perpetuate our existence as a free people by establishing the means of national credit and defense" are "feeble bulwarks against slavery compared with the habits of labor and virtue disseminated among our people"; adding, "Let us establish schools for that purpose in every township in the United States, and conform them to reason, humanity, and the state of society in America," and then will "the generations which are to follow us realize the precious ideas of the dignity and excellence of republican forms of government."

RESERVATION OF THE THIRTY-SIXTH SECTION IN ADDITION TO THE SIXTEENTH.

The reservation of a section, or one mile square, of 640 acres, in each township, for the support of public schools, was specially provided for in the organization of each new State and Territory up to the time of the organization of Oregon Territory.

April 30, 1802, Congress, in the act authorizing the formation of a State government in the eastern portion of the Northwestern Territory (Ohio), enacted the following three propositions, which were offered for the acceptance or rejection of the convention to form the constitution of Ohio. (Up to this time no transfers by the United States of title or control of the sixteenth section of reserved school lands had taken place.)

By section 7:

First. That the section number sixteen in every township, and where such section has been sold, granted, or disposed of, other lands equivalent thereto and most contiguous to the same, shall be granted to the inhabitants of such townships for the use of schools.

The second was a saline reservation, and the third related to a moiety of the net proceeds of the sales of public lands, for the laying out of roads, &c.

The three conditions above set out were in consideration of the non-taxation of the public domain, for a period after sale, about which there was serious discussion as to who should tax, or whether it should be taxed at all, prior to or after purchase. The non-taxation compensation was that no tax on the land sold by the United States should be laid by the authority of the State, county, or townships therein for the term of five years after the date of sale. The object of this stipulation was to prevent any person from obtaining a tax title under the authority of the State before the United States had received the full amount of the purchase money. Lands were then sold on credit by the United States of one, two, three, four, and five years, at two dollars per acre.

The people of Ohio complied with the above stipulations, November 29, 1802, and were admitted into the Union.

The act of Congress of March 3, 1803, in addition to the above act of April 30, 1802, provided—

That the following several tracts of land in the State of Ohio be, and the same are hereby, appropriated for the use of schools in that State, and shall, together with all the tracts of land heretofore appropriated for that purpose, be vested in the legislature of that State, in trust for the use aforesaid, and for no other use, intent, or purpose whatever.

Thus Congress transferred the reserved school lands, section 16 in each township, and provided an indemnity for such sections as had already been sold or taken prior to survey to the State of Ohio, in trust for the United States, and the people of the State, for schools. Prior to this, laws were silent as to how the proceeds of these reserved lands were to be applied or by whom.

Congress thus made the State its trustee. Compacts between the United States on the admission of the States of Indiana, Illinois, and Louisiana, and all the States admitted into the Union prior to 1820, also contained the provisions above set out.

THE SIXTEENTH SECTION.

To each organized Territory, after 1803, was and now is reserved the sixteenth section (until after the Oregon Territory act reserved the thirty-sixth as well) for school purposes, which reservation is carried into grant and confirmation by the terms of the act of admission of the Territory or State into the Union; the State then becoming a trustee for school purposes.

These grants of land were made from the public domain, and to States only which were known as public-land States. Twelve States, from March 3, 1803, known as public land States, received the allowance of the sixteenth section to August 14, 1848. (See table, page 228.)

OTHER SCHOOL GRANTS.

Congress, June 13, 1812, and May 26, 1824, by the acts ordering the survey of certain towns and villages in Missouri, reserved for the support of schools in the towns and villages named, provided that the whole amount reserved should not exceed one-twentieth part of the whole lands included in the general survey of such town or village. These lots were reserved and sold for the benefit of the schools. Saint Louis received a large fund from this source. These acts benefited the towns and villages of Saint Louis, Portage des Sioux, Saint Charles, Saint Ferdinand, Villa à Robert, Carondelet, Saint Genevieve, New Madrid, New Bourbon, Little Prairie in the Territory (now State) of Missouri, and Arkansas in the Territory of Arkansas. The act of May 26, 1824, extended the benefits of both acts to the village of Mine à Burton.

THE THIRTY-SIXTH SECTION.

In the act for the organization of the Territory of Oregon, August 14, 1848, Senator Stephen A. Douglas inserted an additional grant for school purposes of the thirty-sixth section in each township, with indemnity for all public-land States thereafter to be admitted, making the reservation for school purposes the sixteenth and thirty-sixth sections, or 1,280 acres in each township of six miles square reserved in public-land States and Territories, and confirmed by grant in terms in the act of admission of such State or Territory into the Union.

From March 13, 1853, to June 30, 1880, seven States have been admitted into the Union having a grant of the sixteenth and thirty-sixth sections, and the same area has been reserved in eight Territories. (See table, page 228.)

UNIVERSITIES.

July 23, 1787, Congress, in the "Powers to the Board of Treasury to contract for the sale of Western Territory," ordered—

That not more than two complete townships be given perpetually for the purpose *of an university*, to be laid off by the purchaser or purchasers as near the centre as

may be, so that the same shall be of good land, to be applied to the intended object by the legislature of the State.

This related to lands now in the State of Ohio, in the Symmes and Ohio Company purchases. This inaugurated the present method of taking from the public lands, for the support of seminaries or schools of a higher grade, the quantity of two townships at least, and in some instances more, to each of the States containing public lands, and special grants have also been made to private enterprises.

In the legislation relating to the admission of the public land-States into the Union, from the admission of Ohio in 1802 to the admission of Colorado in 1876, grants of two townships of public lands, viz, 46,080 each, for university purposes are enumerated. Ohio, Florida, Wisconsin, and Minnesota are the exceptions, each having more than two townships in area. Nineteen States have had the benefit of this provision, and the two townships are reserved in the Territories of Washington, New Mexico, and Utah. These will be granted and confirmed to them upon their admission into the Union. These reservations in each case require a special act. All school, university or agricultural college lands granted are sold by the legislatures of the several States or leased, and the proceeds of sale or lease applied to education. A table annexed gives the States and Territories and areas, with dates of laws making reservations or grants of university lands.

MANNER OF SELECTING SCHOOL LANDS.

As soon as, in running the lines of the public surveys, the school sections "in place" 16 and 36 are fixed and determined, the appropriation thereof for the educational object is, under the law, complete and lists are made out and patents issued to the States therefor.

When sections 16 and 36 are found to be covered with prior adverse rights, such as legal occupancy and settlement by individuals under settlement laws, prior to survey of the lands, or deficient in area, because of fractional character of the townships, or from other causes, selections for indemnity are made.

INDEMNITY SELECTIONS.

Selections from other public lands as indemnity for deficiencies in sections 16 and 36 and fractional townships under acts of May 20, 1826, and February 26, 1859, are made by agents appointed by the respective States, which selections are filed in the local offices of the district in which the land is situated, and if found to be correct are certified to the General Land Office by the register of the local office where filed. If, upon examination by the Commissioner, the same are found to inure to the State, a list is made out and certified to the Secretary of the Interior for his approval. When approved, a certified copy of the same is transmitted to the governor of the State in which the selections are made, and a copy thereof transmitted to the local office from which the selections are received, to be placed on file, and the approvals to be noted on its records.

By the approval of the Secretary, the fee is passed to the State. (See sec. 2449 Revised Statutes.)

The same course is pursued in making selections under the grants for internal improvements and agricultural colleges.

ACREAGE OF SIXTEENTH AND THIRTY-SIXTH SECTIONS.

The following statement shows the number of acres (estimated) to be embraced in the grant of sections 16 in some of the States, and sections 16 and 36 in others, for school purposes; also the number of acres estimated to be embraced in sections 16 and 36 reserved for the same purposes in the organized Territories by acts of Congress, the dates of which are given in the proper column.

Statement of the grants to States and reservations to Territories for school purposes.

States and Territories.	Total area.	Dates of grants.
SECTION 16.	*Acres.*	
Ohio	704, 488	March 3, 1803
Indiana	650, 317	April 19, 1816.
Illinois	985, 066	April 18, 1818.
Missouri	1, 199, 139	March 6, 1820.
Alabama	902, 774	March 2, 1819.
Mississippi	837, 584	March 3, 1803; May 19, 1852; March 3, 1857.
Louisiana	786, 044	April 21, 1806; February 15, 1843.
Michigan	1, 067, 397	June 23, 1836.
Arkansas	886, 460	Do.
Florida	908, 503	March 3, 1845.
Iowa	905, 144	Do.
Wisconsin	958, 649	August 6, 1846.
SECTIONS 16 AND 36.		
California	6, 719, 324	Act March 3, 1853.
Minnesota	2, 969, 990	February 26, 1857.
Oregon	3, 329, 706	February 14, 1859.
Kansas	2, 801, 306	January 29, 1861.
Nevada	3, 985, 428	March 21, 1864.
Nebraska	2, 702, 044	April 19, 1864.
Colorado	3, 715, 555	March 3, 1875.
Washington Territory	2, 488, 675	March 2, 1853.
New Mexico Territory	4, 309, 368	September 9, 1850; July 22, 1854.
Utah Territory	3, 003, 613	September 9, 1850,
Dakota Territory	5, 366, 451	March 2, 1861.
Montana Territory	5, 112, 035	February 28, 1861.
Arizona Territory	4, 050, 347	May 26, 1864.
Idaho Territory	3, 068, 231	March 3, 1863.
Wyoming Territory	3, 480, 281	July 25, 1868.
Total	67, 893, 919	

No grants to Indian and Alaska Territories.
Lands in sixteenth and thirty-sixth sections in Territories not granted, but reserved.
Lands in place and indemnity for deficiencies in sections and townships, under acts of May 20, 1826, and February 26, 1859, included in above statement.

UNIVERSITY GRANTS.

The following statement shows the number of acres granted to the States and reserved in the Territories of Washington, New Mexico, and Utah, for university purposes, by acts of Congress, the dates of which are given in proper column:

Grants and reservations for universities.

States and Territories.	Total area.	Under what acts.
	Acres.	
Ohio	69, 120	April 21, 1792; March 3, 1803.
Indiana	46, 080	April 19, 1816; March 26, 1804.
Illinois	46, 080	March 26, 1804; April 18, 1818.
Missouri	46, 080	February 17, 1818; March 6, 1820.
Alabama	46, 080	April 20, 1818; March 2, 1819.
Mississippi	46, 080	March 3, 1803; February 20, 1819.
Louisiana	46, 080	April 21, 1806; March 3, 1811; March 3, 1827.
Michigan	46, 080	June 23, 1836.
Arkansas	46, 080	Do.
Florida	92, 160	March 3, 1845.
Iowa	46, 080	Do.
Wisconsin	92, 160	August 6, 1846; December 15, 1854.
California	46, 080	March 3, 1853.
Minnesota	82, 640	March 2, 1861; February 26, 1857; July 8, 1870.
Oregon	46, 080	February 14, 1859; March 2, 1861.
Kansas	46, 080	January 29, 1861.
Nevada	46, 080	July 4, 1866.
Nebraska	46, 080	April 19, 1864.
Colorado	46, 080	March 3, 1875.
Washington Territory	46, 080	July 17, 1854; March 14, 1864.
New Mexico Territory	46, 080	July 22, 1854.
Utah Territory	46, 080	February 21, 1855.
Total	1, 165, 520	

Lands in the Territories not granted, but reserved.

AGRICULTURAL AND MECHANICAL COLLEGE GRANTS.

July 2, 1862, Congress enlarged the national educational endowment system by the donation to each State of thirty thousand acres of public land not otherwise reserved (no mineral lands could be selected, and selections must be of quarter-sections), for each Senator and Representative (to which such State was entitled under the apportionment of 1860), for the support of colleges for the cultivation of agricultural and mechanical science and art. It was championed in the Senate by Hon. Justin S. Morrill, of Vermont.

The law contained a provision for location in place, and an issue of scrip in lieu of place locations. The Commissioner of the General Land Office, in 1875, in the case of the new State of Colorado, ruled that the grant attaches to a new State without further legislation.

"In place" means that the States having public lands in their limits were to take such lands in satisfaction of their allowance under this law.

"In scrip" means an issue of redeemable land scrip, assignable, which might be located according to law and stipulations in the act, to States which had no public lands within their limits from which their allowance could be satisfied.

Special certificates with printed forms of selections were furnished States making selections from public lands within their limits. The scrip was issued by the Commissioner of the General Land Office. (See Regulations of General Land Office, May 4, 1863, June 17, 1864, September 16, 1874, and July 20, 1875, and subsequently, to registers and receivers.)

This scrip can be located upon land subject to sale at ordinary private entry at $1.25 per acre, or used in the payment of pre-emption claims, and the commutation of homestead entries. Circular from the General Land Office of date July 20, 1875, gives full details as to methods of location and entry.

The lands entered in "place" were sold by the several States, and the proceeds thereof used to endow agricultural colleges. The "scrip" was sold by the several States (in most cases) and the proceeds from the same used for the same purpose.

The following statement shows the number of acres granted for agricultural and mechanical colleges by acts of Congress, the dates of which are given, to such of the States as had sufficient public land within their limits subject to sale at ordinary private entry at $1.25 per acre, inclusive of the scrip provided to be issued to the to the other States of the Union by the act of Congress of July 2, 1862, and supplemental acts:

States having land subject to selection, "in place," under act of July 2, 1862, and acts amendatory thereof.

	Acres.
Wisconsin	240,000
Iowa	240,000
Oregon	90,000
Kansas	90,000
Minnesota	120,000
Michigan	240,000
California	150,000
Nevada (also under act of July 4, 1866)	90,000
Missouri	330,000
Nebraska (also under act of July 23, 1866)	90,000
Colorado	90,000
Total	1,770,000

States to which scrip was issued, and amount.

	Acres.
Rhode Island	120,000
Illinois	480,000
Kentucky	330,000
Vermont	150,000
New York	990,000
Pennsylvania	780,000

	Acres.	Acres.
New Jersey	210,000	
New Hampshire	150,000	
Connecticut	180,000	
Massachusetts	360,000	
Maine	210,000	
Maryland	210,000	
Virginia	300,000	
Tennessee	300,000	
Delaware	90,000	
Ohio	630,000	
West Virginia	150,000	
Indiana	390,000	
North Carolina	270,000	
Louisiana	210,000	
Alabama	240,000	
Arkansas	150,000	
South Carolina	180,000	
Texas	180,000	
Georgia	270,000	
Mississippi	210,000	
Florida	90,000	
Total		7,830,000
Total in place and scrip		9,600,000

AGRICULTURAL COLLEGES.

The following statement shows the names and locations of agricultural colleges, with the number of acres of scrip or land in place given to the several States, and the amounts realized therefrom:

Agricultural colleges located by the several States under the act of July 2, 1862.

Name and location.	Amount derived from sale of United States land or scrip.	Number of acres received from the United States in land in place, or scrip in lieu, by the several States.
Agricultural and Mechanical College of Alabama, Auburn, Ala	$216,000	240,000, scrip.
Arkansas Industrial University, Fayetteville, Ark	135,000	150,000, scrip.
University of California, Berkeley, Cal	750,000	150,000, place.
Agricultural College of Colorado, Fort Collins, Colo*		90,000, place.
Sheffield Scientific School of Yale College, New Haven, Conn	135,000	180,000, scrip.
Delaware College, Newark, Del	83,000	90,000, scrip.
State Agricultural College, Eau Gallie, Fla. (location questionable; college not yet organized)	110,806	90,000, scrip.
Georgia State College of Agriculture and the Mechanic Arts, Athens, Ga. (departments of University of Georgia)	243,000	
North Georgia Agricultural College, Dahlonega, Ga†		270,000, scrip.
Illinois Industrial University, Urbana, Ill	319,494	480,000, scrip.
Purdue University, La Fayette, Ind	212,238	390,000, scrip.
Iowa State Agricultural College, Ames, Iowa	500,000	240,000, place.
Kansas State Agricultural College, Manhattan, Kans	290,000	90,000, place.
Agricultural and Mechanical College of Kentucky, Lexington, Ky	165,000	330,000, scrip.
Louisiana State Agricultural and Mechanical College, Baton Rouge, La‡		210,000, scrip.
Maine State College of Agriculture and the Mechanic Arts, Orono, Me	116,359	210,000, scrip.
Maryland Agricultural College, College Station, Md	112,500	210,000, scrip.
Massachusetts Agricultural College, Amherst, Mass	157,538	360,000, scrip.
Massachusetts Institute of Technology, Boston, Mass	78,769	
Michigan State Agricultural College, Lansing, Mich	275,104	240,000, place.
University of Minnesota, Minneapolis, Minn	§178,000	120,000, place.
Agricultural and Mechanical Department of Alcorn University, Rodney, Miss	113,400	210,000, scrip.
Agricultural and Mechanical College of the State of Mississippi, Starkville, Miss	115,000	
University of the State of Missouri:		
Agricultural and Mechanical College, Columbia, Mo	5,000	330,000, place.
School of Mines and Metallurgy, Rolla, Mo		

Agricultural colleges located by the several States, &c.—Continued.

Name and location.	Amount derived from sale of United States land or scrip.	Number of acres received from the United States in land in place, or scrip in lieu, by the several States.
University of Nebraska, Lincoln, Nebr	....	90,000, place.
University of Nevada, Elko, Nev	$90,000	90,000, place.
New Hampshire College of Agricultural and the Mechanic Arts, Hanover, N. H	80,000	150,000, scrip.
Rutgers Scientific School of Rutgers College, New Brunswick, N. J	116,000	210,000, scrip.
Cornell University, Ithaca, N. Y	602,792	990,000, scrip.
University of North Carolina, Chapel Hill, N. C	125,000	270,000, scrip.
Ohio State University, Columbus, Ohio	507,913	630,000, scrip.
State Agricultural College, Corvallis, Oreg	....	90,000, place.
Pennsylvania State College, State College, Pa	439,186	780,000, scrip.
Brown University, Providence, R. I	50,000	120,000, scrip.
South Carolina Agricultural College and Mechanics' Institute, Orangeburg, S. C	....	180,000, scrip.
Tennessee Agricultural College, Knoxville, Tenn	271,875	300,000, scrip.
Agricultural and Mechanical College of Texas, College Station, Tex	209,000	180,000, scrip.
University of Vermont and State Agricultural College, Burlington, Vt	122,626	150,000, scrip.
Virginia Agricultural and Mechanical College, Blacksburg, Va	190,000	} 300,000, scrip.
Hampton Normal and Agricultural Institute, Hampton, Va	95,000	}
West Virginia University, Morgantown, W. Va	90,000	150,000, scrip.
University of Wisconsin, Madison, Wis	244,805	240,000, place.

Total of 9,600,000 acres: In place, 1,770,000 acres; scrip, 7,830,000 acres.

* Prospective endowment is the Congressional grant to agricultural colleges, amounting in Colorado to 90,000 acres; not yet in the market.

† Receives annually from the University of Georgia $3,500, part interest of the land scrip fund.

‡ $327,000 of State bonds scaled to $196,200 of new State bonds.

§ Estimated.

CHAPTER XIV.

LAND BOUNTIES FOR MILITARY AND NAVAL SERVICES.

From the earliest era of our history the policy of rewarding the defenders of the country has been marked by great liberality, and land bounties were promised at a period prior to the Nation's possessing public domain. These grants under general laws to June 30, 1880, amount to 61,028,430 acres.

CONGRESSIONAL ACTION.

The Colonial Congress, by a resolution passed September 16, 1776, made grants to the officers and soldiers who should engage in the service, and continue therein to the close of the war, or until discharged by Congress, or to the representatives of such officers and soldiers as should be slain by the enemy. Such lands to be provided by the United States—and the expense in procuring them to be borne by the States, as other expenses of the war: For a colonel, 500 acres; for a lieutenant-colonel, 450 acres; for a major, 400 acres; for a captain, 300 acres; for a lieutenant, 200 acres; for an ensign, 150 acres; to each non-commissioned officer and soldier, 100 acres.

September 20, 1776, the Colonial Congress amended the above resolve by providing that Congress should not grant lands to any person or persons claiming under the assignment of an officer or soldier.

August 12, 1780, the Continental Congress resolved that the land resolution of September 16, 1776, be extended so as to give a major-general 1,100 acres and a brigadier-general 850 acres.

April 23, 1783—

Resolved, That when Congress can consistently make grants of land they will reward in this way the officers, men, and other refugees from Canada.

The above was the origin in the United States of bounties of lands for military or naval service.

In early legislation certain tracts of country with defined limits were set apart for the satisfaction of the warrants, to which in locating they were restricted. The reservations were known as "military districts."

MILITARY RESERVATIONS AND LAND DISTRICTS.

LAND BOUNTIES FOR SOLDIERS SERVING IN THE CONTINENTAL LINE UNDER AUTHORITY OF CONGRESS.

For services in the "Continental Line," during the war of the Revolution, as stipulated in the resolution of Congress of September 16, 1776, bounty lands might be located in the—

UNITED STATES MILITARY DISTRICT IN OHIO.

June 1, 1796, Congress set apart a tract of land for bounties in the "Northwestern Territory," now in the State of Ohio, for the officers and soldiers serving upon their establishment in the Revolutionary war, known as the "United States Military District," Ohio, of about 4,000 square miles, or 2,560,000 acres, embracing within its

limits, in whole or in part, the counties of Tuscarawas, Guernsey, Muskingum, Monroe, Coshocton, Holmes, Knox, Licking, Franklin, Delaware, Noble, and Lake.

The land warrants granted by the United States, under the act above mentioned, were restricted to and located exclusively in this military district, until after the passage of the scrip act of May 30, 1830, by which the revolutionary warrants, issued either by the General Government or by the Commonwealth of Virginia, could be exchanged for scrip, and the same located either in Ohio, Indiana, or Illinois.

The United States military warrants could also be located in the said district up to July 3, 1832, when it was provided by an act of Congress that all the vacant lands therein should be made subject to private sale, and the same were disposed of accordingly, and went into private hands.

Since that time these United States warrants could either be converted into scrip, under the said act of May 30, 1830, or the same could be located upon any of the public lands subject to sale at private entry, as the parties in interest might prefer. The right to locate, under act 22d June, 1860, however, expired by limitation of law June 22, 1863.

The warrants issued under the act of June 1, 1796, amounted, June 30, 1880, to 2,095,220 acres.

VIRGINIA MILITARY DISTRICT IN OHIO.

The district known as the "Virginia Military District," lying in the "Northwestern Territory" now in Ohio, between the Little Miami and Scioto Rivers, north of the Ohio River, and estimated to contain 6,570 square miles or 4,204,800 acres, was reserved in the cession by Virginia, in 1784, of her territory northwest of the river Ohio, for the purpose of satisfying the warrants issued, or to be issued, to the officers and soldiers of the Continental line, army and navy, under the laws of Virginia, for military services during the war of the Revolution, as they were promised by the legislature of the State.

The United States assumed this military land obligation of Virginia, and issued warrants in favor of individual owners.

The Virginia military district was ordered to be set aside in the ordinance of May 20, 1785, which provided for "ascertaining the mode of disposing of lands in the Western Territory," as follows:

> Saving and reserving always, to all officers and soldiers entitled to lands on the northwest side of the Ohio, by donation or bounty from the commonwealth of Virginia, and to all persons claiming under them, all rights to which they are so entitled under the deed of cession executed by the delegates for the State of Virginia, on the first day of March, 1789, and the act of Congress accepting the same, and to the end that the rights may be fully and effectually secured, according to the true intent and meaning of the said deed of cession, and act aforesaid, be it ordained, that no part of the land included between the rivers called Little Miami and Scioto, on the northwest side of the river Ohio, be sold, or in any manner alienated, until there shall first have been laid off and appropriated for the said officers and soldiers, and persons claiming under them, the lands they are entitled to, agreeably to the said deed of cession and act of Congress accepting the same.

The State of Virginia, December 9, 1852, in consideration of the passage of the "scrip" act by Congress of August 31, 1852, granted to the United States all the land in the Virginia military district not previously located by warrants. Up to June 30, 1861, the locations by warrants therein were 3,770,000 acres, leaving a small amount of unlocated land. The "scrip" issued by the act of August 31, 1852, and amended June 22, 1860, was for the commutation of all warrants fairly and justly issued or allowed by the authorities of the State of Virginia for Revolutionary services prior to March 12, 1852; the scrip thus issued in lieu of warrants to be locatable upon any of the public lands of the United States subject to sale at private entry.

It was evident that the Virginia military district did not contain sufficient land to satisfy all bounty claims. Up to June 30, 1880, there has been issued scrip for 1,041,976 acres. The unsurveyed and unappropriated lands in this district were ceded to the State of Ohio, February 18, 1871. They amounted to 76,735.44 acres, and were

appraised at $74,287.45. They were ceded by the State March 26, 1872, to the "Ohio Agricultural and Mechanical College."

LAND BOUNTIES, WAR OF 1812 WITH GREAT BRITAIN.

Congress, December 24, 1811, January 11, 1812, and February 6, 1812, promised land bounties for services in the Army of the United States. These acts were to increase the existing military establishment. The first promised a bounty in lands, for five years' service, of 160 acres to each non-commissioned officer or soldier, to go to his heirs and representatives if he was killed in action or died in the service. In the second act, for raising certain regiments of infantry, artillery, and dragoons, the same bounty in lands was provided. These were for the permanent army. The act of February 6, 1812, gave authority to the President to call out 50,000 volunteers for twelve months. By this act the heirs of any non-commissioned officer or soldier who might be killed or die in the service were to receive 160 acres of land.

By the provisions of the act of May 6, 1812, land, not exceeding 6,000,000 of acres, was directed to be surveyed, reserved, and set apart for the purpose of satisfying the land bounties promised by the acts above set out; 2,000,000 acres to be surveyed in the then Territory of Michigan, 2,000,000 in the Illinois Territory, and 2,000,000 in the Territory of Louisiana, between the river St. Francis and the river Arkansas.

By the subsequent act of Congress approved April 29, 1816, it was declared that so much of the act of May 6, 1812, as directed that 2,000,000 acres should be surveyed, &c., in the Territory of Michigan, should be repealed, and that in lieu thereof 1,500,000 acres should be laid off in the Illinois Territory, and 500,000 acres in the Missouri Territory, north of the river Missouri. The great mass of warrants issued for that service has been satisfied under a lottery system, by locations in Illinois, Arkansas, and Missouri. The issue of such warrants, however, ceased 25th June, 1858, by limitation, in the act of 8th February, 1854, and even the right to locate them expired 22d June, 1863, that being the limitation fixed by the aforesaid act of 22d June, 1860.

The warrants for services in the war of 1812 could only be laid upon tracts in the six million acres embraced in the "military districts of Illinois, Missouri, or Arkansas." Subsequently, in virtue of the act of July 27, 1842, reviving authority for the issue of warrants for services in the revolution and war of 1812, all military land warrants could be located upon any of the public lands "subject to sale at private entry."

"MILITARY RESERVATIONS" OF PORTIONS OF THE PUBLIC DOMAIN FOR SATISFYING LAND BOUNTIES.

The object of the "military reservation" system, or allotting a special tract or region of land or country to the satisfaction of a specific bounty grant made by Congress, was to induce settlement and cultivation in those localities by the soldier. The then remoteness of those districts from the great centers of population, the Eastern and Middle States, defeated the object, leaving the patented lands to pass into the hands of speculators, or become liable to forfeiture for non-payment of State taxes. These results led to the abandonment of the system, and to the extension of the privilege to the soldier or his assignee to select in satisfaction of the warrant any lands of the United States subject to private entry.

The soldier was still further benefited and protected by a stipulation existing in all the bounty-land laws prohibiting the seizure or sale by legal process of the warrant to pay any debt contracted prior to the issue of patent for the land selected, and all sales, letters of attorney, or written instruments affecting the title to the warrants executed prior to the issue thereof, are declared to be null and void, thus effectually securing to the soldier, if so disposed, a home for himself and family.

WARRANTS FOR SERVICES IN THE WAR OF 1812.

For services in the war of 1812 with Great Britain, there have been issued, pursuant to the act of May 6, 1812, and supplements, 29,186 warrants, embracing an aggregate of

4,853,600 acres. For nearly all of these, patents have been issued to the individual warrantees or their heirs, in tracts, the greater portion of one hundred and sixty acres each, and the residue, or double bounties, of three hundred and twenty acres.

This includes the allowances to the inhabitants of the province of Canada who joined the armies of the United States, and served in the war against Great Britain. (See act of March 5, 1816.)

WARRANTS FOR SERVICES IN WAR WITH MEXICO.

The war with Mexico was proclaimed on the 13th of May, 1846, and on the 11th of February, 1847, an act was passed giving bounties for military service. It ordered that non-commissioned officers, musicians, and privates who served in the war with Mexico in the volunteer army of the United States for twelve months, or who should be discharged for wounds or sickness prior to the end of that time, or in case of his death while in the service, then his heirs should receive a certificate or warrant from the War Department for the quantity of 160 acres of land, the same to be entered at any district land office on lands open to private entry; the certificate to be returned to the General Land Office, and patent to issue therefor.

There was in this act a provision for acceptance by applicant of a Treasury scrip for $100 at 6 per cent. interest in lieu of 160 acres of land. Those who served less than twelve months on like terms as to death or discharge for wounds were to receive each a warrant for 40 acres of land, or a Treasury scrip for $25, if preferred. The privileges of bounty lands were extended by the act of September 28, 1850, granting an 80-acre warrant, and relating to services in all the Indian wars since 1790, the war of 1812, and to the commissioned officers in the war with Mexico; by act of March 22, 1852, making land warrants assignable, and extending the provisions of the act of September 28, 1850, and by the act of March 3, 1855.

This last act made 120-acre, 100-acre, 60-acre, and 10-acre warrants, and extended the bounty-land privilege so as to make the entire classes receiving the same some 32 in number, in the Army, Navy, and elsewhere. It was a comprehensive act, embracing almost all the wars the United States had participated in. It granted to all officers and soldiers who had served in any war in which our country had been engaged, from the revolution to the 3d March, 1855, 160 acres each, or so much, with what had been previously allowed, as would make up that quantity. It extended the concession to a service of only fourteen days or an engagement in a single battle, and, in case of death, to the widow or minor children. (See Mayo & Moulton's Pension and Bounty-land Laws; see circular to registers and receivers, General Land Office, July 20, 1875, respecting the location and assignment of bounty-land warrants.)

TOTAL NUMBER OF WARRANTS ISSUED FOR MEXICAN WAR.

The total number of warrants issued under these several acts to June 30, 1880, has been 551,193, containing 61,028,430 acres (see statement, also showing outstanding warrants and areas), or more than twice the area of the State of Ohio or Pennsylvania, and a million of acres more in area than all the New England States with the addition of New Jersey, Delaware, and Maryland.

All military bounty-land warrants under general laws are issued by the Commissioner of Pensions. After location they are forwarded to the General Land Office for examination and approval. After approval patents are issued from the General Land Office for the land.

Thousands of land bounties have been granted by special acts of Congress growing out of the wars prior to 1861, and not herein specifically set out. (See Statutes.)

For existing laws upon this subject see chapter X. title "Bounty Lands"; also secs. 2414 to 2446, R. S.

REVOLUTIONARY WAR AND WAR OF 1812.

The following statement exhibits the warrants in acres issued under several acts of Congress for the Revolutionary war and war of 1812:

		Acres.
Revolutionary war:		
Act of September 16, 1776	2,095,220	
Act of February 18, 1801	58,260	
Act of March 3, 1803	11,520	
		2,165,000
War of 1812:		
Act of May 6, 1812	4,853,600	
Act of March 5, 1816	76,592	
		4,930 192
Total		7,095,192

The following exhibit shows the amount of "scrip" issued by the United States to claimants, in lieu of land warrants for military service, to June 30, 1880:

"Scrip" in lieu of land warrants.

	Acres.
Act of May 30, 1830	393,293
Act of July 13, 1832	300,000
Act of March 2, 1833	200,000
Act of March 3, 1835	585,000
Act of August 31, 1852	1,041,976
Act of June 5, 1858	6,666⅔
Act of February 9, 1863	11,904
Act of July 2, 1862	9,600,000

It will be noted that the several acts of Congress on and after May 6, 1812, making changes or alterations in the then existing laws, from time to time, down to July 2, 1862, generally presented as curative acts, and with the intention of covering existing cases of hardship, always resulted in the increase of the land-bounty class, and further depleted the public domain.

LOCATIONS OF WARRANTS FOR YEAR TO JUNE 30, 1880.

Statement of the total number of acres located at the various United States district land offices with military-bounty land warrants issued under the acts of 1847, 1850, 1852, *and* 1855, *in the several land States and Territories, for the year ending June* 30, 1880.

	Acres.
Alabama	40
Arkansas	120
Arizona	40
California	10,220
Colorado	1,340
Dakota	9,640
Florida	720
Kansas	11,400
Louisiana	1,040
Michigan	41,560
Minnesota	2,760
Mississippi	320
Missouri	200
Nebraska	3,600
New Mexico	160
Oregon	680
Utah	360
Washington	280
Total acres	84,540
Warrants outstanding (22,202) not located	2,535,940

BOUNTY LAND GRANTS—NUMBER OF WARRANTS AND ACRES.

The following table shows the bounty-land grants under the acts of 1847, 1850, 1852, and 1855, which included nearly all the wars the United States has been engaged in, and all operations thereunder to June 30, 1880:

***Statement, under acts of** 1847, 1850, 1852, **and** 1855, **showing the issues and locations with bounty-land warrants, and the number outstanding, from the commencement of operations under said acts to June 30,** 1880.*

Grade of warrants.	Number issued.	Acres embraced thereby.	Number located.	Acres embraced thereby.	Number outstanding.	Acres embraced thereby.
Act of 1847, 160 acres	80, 666	12, 906, 560	78, 985	12, 637, 600	1, 681	268, 960
Act of 1847, 40 acres	7, 583	303, 320	7, 070	282, 800	513	20, 520
Total	88, 249	13, 209, 880	86, 055	12, 920, 400	2, 194	289, 480
Act of 1850, 160 acres	27, 438	4, 390, 080	26, 791	4, 286. 560	647	103, 520
Act of 1850, 80 acres	57, 712	4, 616, 960	56. 206	4, 496. 480	1, 506	120, 480
Act of 1850, 40 acres	103, 971	4. 158, 840	100, 525	4, 021. 000	3, 446	137, 840
Total	189. 121	13, 165, 880	183, 522	12. 804, 040	5, 599	361, 840
Act of 1852, 160 acres	1, 223	195, 680	1, 192	190, 720	31	4, 960
Act of 1852, 80 acres	1, 698	135, 840	1, 661	132, 880	37	2, 960
Act of 1852, 40 acres	9, 065	362, 600	8, 874	354, 960	191	7, 640
Total	11, 986	694, 120	11, 727	678, 560	259	15, 560
Act of 1855, 160 acres	114, 519	18, 323, 040	108, 629	17, 380, 640	5, 890	942, 400
Act of 1855, 120 acres	96, 917	11, 637, 240	90, 348	10, 841, 760	6, 629	795, 480
Act of 1855, 100 acres	6	600	5	500	1	100
Act of 1855, 80 acres	49, 431	3, 954, 480	47, 867	3, 829, 360	1, 564	125, 120
Act of 1855, 60 acres	359	21. 540	310	18, 600	49	2, 940
Act of 1855, 40 acres	540	21, 600	465	18, 600	75	3, 000
Act of 1855, 10 acres	5	50	3	30	2	20
Total	261, 837	33, 958, 550	247, 627	32, 089, 490	14, 210	1, 869, 060
SUMMARY.						
Act of 1847	88, 249	13, 209, 880	86, 055	12, 920, 400	2, 194	289, 480
Act of 1850	189, 121	13, 165, 880	183, 522	12, 804, 040	5, 599	361, 840
Act of 1852	11, 986	694, 120	11, 727	678, 560	259	15, 560
Act of 1855	261, 837	33, 958, 550	247, 627	32, 089, 490	14, 210	1, 869, 060
Total	551, 193	61, 028, 430	528, 931	58, 492, 460	22, 262	2, 535, 940

CHAPTER XV.

TWO, THREE, AND FIVE PER CENT. FUNDS.

GRANTS TO STATES OF PORTION OF NET PROCEEDS FROM SALES.

Congress, by several acts of dates given below, granted and allowed to the several States containing public lands, with the exception of California, two, three, and five per cent. upon the net proceeds of the sales of public lands therein. These allowances were in lieu of State taxation of United States public lands within said States, and in many instances took effect from the date of admission into the Union.

	Per cent.
Alabama, September 4, 1841, and March 2, 1855	2
Mississippi, September 4, 1841	2
Missouri, February 28, 1859	2
Ohio, April 30, 1802, and June 30, 1802	3
Indiana, February 1, 1816, and April 19, 1816	3
Mississippi, March 1, 1817, and July 4, 1836	3
Illinois, April 18, 1818	3
Missouri, March 6, 1820	3
Alabama, March 2, 1819, and July 4, 1836	3
Louisiana, act February 20, 1811	5
Michigan, June 23, 1836	5
Arkansas, June 23, 1836	5
Florida, March 3, 1845	5
Iowa, March 3, 1845, and December 28, 1846	5
Iowa, March 2, 1849	5
Colorado, March 3, 1875	5
Nebraska, April 19, 1864	5
Nevada, March 21, 1864	5
Oregon, February 14, 1859	5
Minnesota, February 26, 1857, and May 11, 1858	5
Wisconsin, August 6, 1846, and May 29, 1848	5

Statement of the amounts which have accrued to the following named States on account of t[illegible] two, three, and five per cent. upon the net proceeds of the sales of public lands to June 3[illegible] 1880, inclusive.

States.	Two per cent.	Three per cent.	Five per cent.	Aggregate.
Alabama	$401, 782 23	$602, 583 34		$1, 004, 365 [illegible]
Arkansas			$227, 359 05	227, 359 [illegible]
Colorado			9, 589 73	9, 589 [illegible]
Florida			28, 975 44	28, 975 [illegible]
Iowa			626, 075 16	626, 075 [illegible]
Illinois		712, 744 82		712, 744 [illegible]
Indiana		618, 277 50		618, 277 [illegible]
Kansas			258, 842 11	258, 842 [illegible]
Louisiana			315, 612 89	315, 612 [illegible]
Michigan			471, 344 55	471, 344 [illegible]
Minnesota			99, 409 47	99, 409 [illegible]
Mississippi	395, 142 08	592, 690 20		987, 832 [illegible]
Missouri	15, 587 78	535, 836 05		551, 423 [illegible]
Nebraska			116, 578 67	116, 578 [illegible]
Nevada			8, 319 84	8, 319 [illegible]
Ohio		596, 634 10		596, 634 [illegible]
Oregon			34, 911 09	34, 91[illegible]
Wisconsin			455, 253 73	455, 25[illegible] 73
Total	812, 512 09	3, 658, 766 01	2, 652, 271 73	7, 123, 54[illegible]

TAXATION OF PUBLIC LANDS.

er the present practice, after the register's certificate and receiver's receipt have ssued for lands purchased of or acquired from the United States, the authorities States or Territories in which they lie list them for taxation although no patent ued. Prior to this only the value of improvements is taxed, not the land, as is in the United States. States containing public lands renounce their right to public domain at the time of their admission into the Union. A State may tax fter it has been entered and paid for, although no patent has been entered (isherefor. (Carroll v. Safford, 3 How., 441; Levi v. Thompson, 4 How., 17; Carroll y, 4 McLean, 25; Astrom v. Hammond, 3 McLean, 107; Witherspoon v. Dun-Wall., 210; S. C., 21 Ark., 240.)

CHAPTER XVI.

INDIAN RESERVATIONS FROM THE PUBLIC DOMAIN.

EXTINGUISHING THE INDIAN TITLE TO LANDS.

Preliminary to survey of lands within the public domain the United States requires the extinction of the Indian title or Indian right of occupancy thereof. Without this being done the surveys will not be made.

The ninth article of the Articles of Confederation declared—

The United States in Congress assembled have the sole and exclusive right and power of regulating the trade and managing all affairs with the Indians not members of any of the States: *Provided*, That the legislative right of any State within its own limits be not infringed or violated.

Under this, September 22, 1783, Congress issued a proclamation prohibiting and forbidding all persons from making settlements on lands inhabited or claimed by Indians without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims without the express authority and direction of the United States in Congress assembled.

It further declared that every such purchase or settlement, gift or cession, not having the authority aforesaid should be "null and void," and that no right or title should accrue in consequence of any such purchase, gift, cession, or settlement.

INDIAN OCCUPANCY TITLE TO THE PUBLIC DOMAIN—HOW EXTINGUISHED.

From the organization of the National Government it has been the rule of the Nation to purchase the occupancy right from the Indians, generally giving them more value in the compensation than the use of the ceded lands is worth to the Indians. The Government has never attempted to survey and dispose of lands prior to their cession by the Indians.

The civil status of the Indians has been defined by a long series of statutes and court rulings.

In the cases of the Cherokee Nation *v.* Georgia (5 Peters, 1), and Worcester *v.* Georgia (6 Peters, 515), the Indian tribes residing within the United States were recognized in some sense as political bodies, not as foreign nations nor as domestic nations, but still possessing and exercising some of the functions of nationality; but by act of Congress of March 3, 1871, it was provided that hereafter no recognition by treaty or otherwise should be made by the United States of the claim of any Indian tribe as being an independent nation, tribe, or power. They hold a relation of wardship to the General Government and are subject to its control. A State legislature has no jurisdiction over the Indian territory contained within the territorial limits of the State; but in the case of New York *v.* Dibble (21 Howard, 366), it was decided that the State holds the sovereign police authority over the persons and property of the Indians, so far as necessary to preserve the peace and protect them from imposition and intrusion.

In regard to right of soil it was settled in the case of the United States *v.* Rogers (4 Howard, 567), that the Indian tribes are not the owners of the territories occupied by them. These are vacant or unoccupied public lands belonging to the United States.

In the case of Johnson *v.* McIntosh (8 Wheaton, 543), it was held that the Indian tribes were incompetent to transfer any rights to the soil, and that any such conveyances were void *ab initio*, the right of property not subsisting in the grantors. The right of making such grants was originally in the Crown, but by the treaty of 1783 it was surrendered to the United States. In previous pages has been shown the process by which several of the States originally composing the American Union divested themselves of this right by transferring both territorial jurisdiction and title to the soil by cession to the General Government. In the case last mentioned Chief Justice Marshall, in delivering the opinion of the court, thus grounded the right of the Government upon prior discovery:

The United States, then, have unequivocally acceded to that great and broad rule by which its civilized inhabitants now hold this country. They hold and assert in themselves the title by which it was acquired. They maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest, and gave also a right to such a degree of sovereignty as the circumstances of the people would allow them to exercise.

The power now possessed by the Government of the United States to grant lands, resided, while we were colonies, in the Crown or its grantees. The validity of the titles given by either has never been questioned in our courts. It has been exercised uniformly over territory in possession of the Indians. The existence of this power must negative the existence of any right which may conflict with or control it. An absolute title to lands cannot exist at the same time in different persons, or in different governments. An absolute must be an exclusive title, or at least a title which excludes all others not compatible with it. All our institutions recognize the absolute title of the Crown, subject only to the Indian right of occupancy, and recognize the absolute title of the Crown to extinguish that right. This is incompatible with an absolute and complete title in the Indians.

We will not enter into the controversy whether agriculturists, merchants, and manufacturers have a right, on abstract principles, to expel hunters from the territory they possess, or to contract their limits. Conquest gives a title which the courts of the conqueror cannot deny, whatever the private and speculative opinions of individuals may be respecting the original justice of the claim which has been successfully asserted. The British Government, which was then our government, and whose rights have passed to the United States, asserted a title to all the lands occupied by Indians within the chartered limits of the British colonies. It asserted also a limited sovereignty over them, and the exclusive right of extinguishing the title which occupancy gave to them. These claims have been maintained and established as far west as the Mississippi River by the sword. The title to a vast portion of the lands we now hold originates in them. It is not for the courts of this country to question the validity of this title or to sustain one which is incompatible with it.

Although we do not mean to engage in the defense of those principles which Europeans have applied to Indian title, they may, we think, find some excuse if not justification, in the character and habits of the people whose rights have been wrested from them.

The title by conquest is acquired and maintained by force. The conqueror prescribes its limits. Humanity, however, acting on public opinion, has established, as a general rule, that the conquered shall not be wantonly oppressed, and that their condition shall remain as eligible as is compatible with the objects of the conquest. Most usually they are incorporated with the victorious nation, and become subjects or citizens of the government with which they are connected. The new and old members of society mingle with each other; the distinction between them is gradually lost, and they make one people. Where this incorporation is practicable, humanity demands, and a wise policy requires, that the right of the conquered to property should remain unimpaired; that the new subjects should be governed as equitably as the old, and that confidence in their security should gradually banish the painful sense of being separated from their ancient connections and united by force to strangers.

When the conquest is complete, and the conquered inhabitants can be blended with the conquerors, or safely governed as a distinct people, public opinion, which not even the conqueror can disregard, imposes these restraints upon him; and he cannot neglect them without injury to his fame and hazard to his power.

But the tribes of Indians inhabiting this country were fierce savages, whose occupation was war, and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country, was to leave the country a wilderness; to govern them as a distinct people was impossible, because they were as brave and high-spirited as they were fierce, and were ready to repel by arms every attempt on their independence. What was the inevitable consequence of this state of things? The Europeans were under the necessity either of abandoning the country and relinquish-

ing their pompous claims to it, or of enforcing those claims by the sword, and by the adoption of principles adapted to the condition of a people with whom it was impossible to mix, and who could not be governed as a distinct society, or of remaining in their neighborhood, and exposing themselves and their families to the perpetual hazard of being massacred.

Frequent and bloody wars, in which the whites were not always the aggressors, unavoidably ensued. European policy, numbers, and skill prevailed. As the white population advanced, that of the Indians necessarily receded. The country in the immediate neighborhood of agriculturists became unfit for them. The game fled into thicker and more unbroken forests, and the Indians followed. The soil, to which the Crown originally claimed title, being no longer occupied by its ancient inhabitants, was parceled out according to the will of the sovereign power, and taken possession of by persons who claimed immediately from the Crown, or mediately through its grantees or deputies.

That law which regulates and ought to regulate in general, the relations between the conqueror and conquered, was incapable of application to a people under such circumstances. The resort to some new and different rule, better adapted to the actual state of things, was unavoidable. Every rule which can be suggested will be found to be attended with great difficulty.

However extravagant the pretension of converting the discovery of an inhabited country into conquest may appear, if the principle has been asserted in the first instance and afterward sustained; if a country has been acquired and held under it; if property of the great mass of the community originates in it, it becomes the law of the land, and cannot be questioned. So, too, with respect to the concomitant principle that the Indian inhabitants are to be considered merely as occupants, to be protected, indeed, while in peace, in the possession of their lands, but to be deemed incapable of transferring the absolute title to others. However this restriction may be opposed to natural right and to the usages of civilized nations, yet, if it be indispensable to that system under which the country has been settled, and be adapted to the actual condition of the two people, it may, perhaps, be supported by reason, and certainly cannot be rejected by courts of justice.

(See also Fletcher *v.* Peck, 6 Cranch, 87; Mitchell *v.* U. S., 9 Peters, 711; Clark *v.* Smith, 13 Peters, 195; Latimer *v.* Poteet, 14 Peters, 4; Jackson *v.* Porter, 1 Paine, 457; Blair *v.* Pathkiller, 5 Yerger, 230; Vanhorn *v.* Dorrance, 2 Dallas, 304; Choteau *v.* Molony, 16 Howard, 203; Godfrey *v.* Beardsley, 2 McLean, 413.)

The court confined itself to the discussion of questions essential to a statement of the actual law governing the relations of the Indian tribes. It assumes the concrete fact that the General Government holds the right of eminent domain as well as the title to the soil in the public lands, subject, however, to the right of occupancy by the Indians, and that "the Indian inhabitants are considered merely as occupants, to be protected while in peace in the possession of their lands, but incapable of transferring an absolute title to others." The Constitution of the United States gives to Congress the "power to dispose of and to make all needful rules and regulations respecting the territory, or other property, belonging to the United States." The "territory" or soil, here classed with other property, may be disposed of under rules and regulations prescribed by the legislative authority. The question now arises whether Indian occupancy is an indefeasible right, or whether it is merely a privilege which the Government may withdraw when the interests of civilization or the pressure of immigration may demand it.

According to the above rulings in the case of Johnson *v.* McIntosh, the General Government has the right to terminate the occupancy of the Indians by "conquest or purchase." Does this involve the right of *forcibly* dispossessing them of that occupancy?

Very large portions of the public domain have been acquired by peaceable purchase; other portions have been acquired by conquest, various tribes having been successively subjugated, and, as the price of peace, they were compelled to part with a portion of their hunting-grounds and move upon reservations.

INDIAN HOMESTEADS.

The fifteenth and sixteenth sections of the act of March 3, 1875, extend the benefits of the homestead act of May 20, 1862, and the acts amendatory thereof (now embodied

in sections 2290, 2291, 2292, and 2295 to 2302, inclusive, of the Revised Statutes) to any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned or may hereafter abandon his tribal relations, with the exception that the provisions of the eighth section of said act of 1862 (section 2301 of the Revised Statutes) shall not be held to apply to entries made thereunder, and with the proviso that the title to lands acquired by any Indian by virtue thereof shall not be subject to alienation or incumbrance, either by voluntary conveyance, or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor.

An Indian desiring to enter public land under this act must make application to the register and receiver of the proper district land office; also, an affidavit setting forth the fact of his Indian character; that he was born in the United States; that he is the head of a family or has arrived at the age of twenty-one years; that he has abandoned his tribal relations and adopted the habits and pursuits of civilized life; and this must be corroborated by the affidavits of two or more disinterested witnesses.

If no objection appears, the register and receiver will then permit him to enter the tract desired according to existing regulations, so far as applicable, under the homestead law, the register writing across the face of the application the words "Indian homestead—act of March 3, 1875"; they will note the entry on their records and make returns thereof to the General Land Office, with which they will send the affidavits submitted. It will be observed that the provisions of the eighth section of the act of May 20, 1862 (section 2301 of the Revised Statutes), which admits of the commuting of homestead to cash entries, do not apply to this class of homesteads.

All lands obtained under the above act are exempt from liability for debts contracted prior to the issuing of patent therefor.

When Indians become citizens of the United States they are entitled to the benefits of all the settlement and other land laws, as are other citizens.

Homesteads of all classes are returned upon monthly abstracts by registers and receivers, and the class or kind noted in "Remarks." No list or statement of the number of entries made under the above act can be (at this time) obtained, but the total number of entries made under it in all States and Territories will not exceed 100 to June 30, 1880.

There have been several acts passed relating to settlements by Indians upon the public lands, such as the acts of June 10, 1872, and May 23, 1876, which were for the Indians of the tribes known as Ottowas and Chippewas of Michigan. These were allowed to make entries of lands of former Indian reservations of Michigan. Probably some 500 or more of such entries have been made and perfected. (See Statutes at Large and Revised Statutes.)

PROCEDURE IN MAKING AN INDIAN RESERVATION.

The method of making an Indian reservation is by an Executive order withdrawing certain lands from sale or entry and setting them apart for the use and occupancy of the Indians, such reservation previously having been selected by officers acting under the direction of the Commissioner of Indian Affairs or that of the Secretary of the Interior, and recommended by the Secretary of the Interior to the President.

The Executive order is sent to the Office of Indian Affairs, and copy thereof is furnished by that office to the General Land Office, upon receipt of which the reservation is noted upon the land office records and local land officers are furnished with copy of the order and are directed to protect the reservation from interference; after this the Indians are gathered up and placed upon the reservation.

PROCEDURE IN ABOLISHING AN INDIAN RESERVATION.

When such reservation is no longer required, and the President is so informed by the Secretary of the Interior, an Executive order is issued restoring the lands to the public domain, and the order being received by the Commissioner of Indian Affairs,

copy thereof is furnished to the General Land Office, where it is noted and information is communicated to the United States land officers, after which the lands are disposed of as other public lands.

Indian reservations existing by virtue of treaty stipulations are usually abolished in the manner following: An agreement is entered into between the chiefs and headmen of the Indians, and agents or commissioners appointed by the Secretary of the Interior, with or without authority of Congress, for that purpose; such agreement is submitted to Congress for acceptance and ratification, and provides for the relinquishment, for valuable considerations, of a part or the whole of the lands claimed by the Indians either under treaty stipulations or otherwise.

By a clause in the Indian appropriation act approved March 3, 1871 (16 Stat., p. 566), it is declared that no Indian nation or tribe within the territory of the United States shall thereafter be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty, hence, since that time mere agreements have been entered into, subject to ratification by Congress and the President, such agreements being sometimes entered into under authority of a prior act of Congress, and sometimes, as in the case of the last Ute agreement, agreed upon and then submitted to Congress. In a case like the last mentioned, the agreement, as ratified by Congress, still remains to be ratified by a certain proportion of the Indians affected by such agreement, before it becomes valid.

NUMBER AND LOCATION OF RESERVATIONS.

The total number of Indian reservations in the United States, June 30, 1880, was 147, two-thirds of the area of which will eventually be restored to the public domain for sale and disposition, after purchase of occupancy title from the Indians, and setting aside portions of the same to be held by the Indians in severalty or otherwise, as may be ordered by Congress.

These reservations contain 153,385,574 acres, with an estimated population of 255,938, and are situated in the following States and Territories, or about 603.41 acres to each Indian:

Location and names of reservations, together with area and population, to June 30, 1880.

States and Territories.	Areas in acres.	Indian population of reservations.
ARIZONA TERRITORY.		
Colorado River	300,800	1,008
Gila River	155,440	*5,000
Moqui Pueblo		1,700
Papago	70,080	*6,000
White Mountain	2,528,000	4,878
Suppai	38,400	*75
Not on reservation		*2,500
Total in Arizona	3,092,720	21,[illegible]
CALIFORNIA.		
Hoopa Valley	89,572	414
Mission	130,000	3,000
Round Valley	207,360	534
Tule River	48,551	100
Klamath River	25,600	1,125
Not on reservation		*5,426
Total in California	501,083	10,[illegible]
COLORADO.		
Ute	12,467,200	1,200
Do		1,330
Total in Colorado	12,467,200	2,530

d names of reservations, together with area and population, &c.—Continued.

States and Territories.	Areas in acres.	Indian population of reservations.
DAKOTA TERRITORY.		
....	205,415	969
....	230,400	1,089
....	....	304
....	2,912,000	1,402
....	918,780	1,500
....	416,905	None.
....	96,000	None.
....	} 31,408,551	1,764
....		1,300
....		7,200
....		7,314
....		2,611
....	430,405	2,019
in Dakota Territory........	36,618,456	27,472
IDAHO TERRITORY.		
....	736,000	450
....	1,202,330	1,500
....	746,651	1,208
....	64,000	712
tion........	....	*600
in Idaho Territory	2,748,981	4,470
INDIAN TERRITORY.		
Cheyenne........	4,297,771	5,899
....	5,031,351	19,720
....	4,650,935	6,000
....	6,688,000	15,800
....	3,215,495	15,000
....	100,137	397
nanche........	2,968,893	3,945
....	4,040	99
....	1,470,059	2,008
....	14,860	114
....	283,026	1,306
mi........	50,301	210
....	575,877	300
....	56,685	35
....	479,667	1,461
....	200,000	2,667
....	51,958	224
....	13,048	77
....	743,610	198
....	21,406	251
....	101,894	530
....	90,735	344
nd........	9,991,167	....
l in Indian Territory	41,100,915	76,585
IOWA.		
....	692	355
l in Iowa	692	355
KANSAS.		
; on reservation; roving)	33,393	75
Munsee........	4,395	60
....	20,273	234
....	2,328	None.
....	77,358	450
ation........	....	*150
l in Kansas	137,747	969
MICHIGAN.		
....	11,097	848
....	52,684	540
....	2,551	660
tion	....	*8,093
l in Michigan........	66,332	10,141

Location and names of reservations, together with area and population, &c.—Continued.

States and Territories.	Areas in acres.	Indian population of reservations.
MINNESOTA.		
Bois Forte	107, 509	797
Fond du Lac	100, 121	404
Grand Portage (Pigeon River)	51, 840	271
Leech Lake	94, 440	} 6, 198
Mille Lac	61, 014	
Red Lake	3, 200, 000	
White Earth	1, 091, 523	
Winnebagoshish (White Oak Point)	320, 000	
Total in Minnesota	5, 026, 447	7, 6[illegible]
MONTANA TERRITORY.		
Blackfeet	} 21, 651, 200	7, 500
Do		7, 250
Do		2, 083
Crow	6, 272, 000	3, 470
Jocko	1, 433, 600	1, 338
Total in Montana Territory	29, 356, 800	21, 650
NEBRASKA.		
Iowa	16, 000	178
Niobrara	115, 076	764
Omaha	143, 225	1, 120
Otoe	44, 093	436
Sac and Fox	8, 014	75
Winnebago	109, 844	1, 429
Total in Nebraska	436, 252	4, 002
NEVADA.		
Duck Valley	243, 200	[illegible]
Moapa River	1, 000	100
Pyramid Lake	322, 000	[illegible]
Walker River	318, 815	[illegible]
Not on reservation		*1, [illegible]
Total in Nevada	885, 015	[illegible]
NEW MEXICO TERRITORY.		
Mescalero Apache (Fort Stanton)	570, 240	1, [illegible]
Navajo	5, 468, 160	12, [illegible]
Pueblos:		
Jemez	17, 510	} [illegible]
Acoma	95, 792	
San Juan	17, 545	
Picuris	17, 461	
San Felipe	34, 767	
Pecos	18, 763	
Cochiti	24, 256	
Santo Domingo	74, 743	
Taos	17, 361	
Santa Clara	17, 369	
Tesuque	17, 471	
San Ildefonso	17, 293	
Pojoaque	13, 520	
Zia	17, 515	
Sandia	24, 187	
Isleta	110, 080	
Nambe	13, 586	
Laguna	101, 511	
Santa Ana	17, 361	
Zuni	215, 040	
Jicarilla Apache		752
Total in New Mexico	6, 921, 531	23, 452
NEW YORK.		
Allegany	30, 469	923
Cattaraugus	21, 680	1, 064
Oil Spring	640	96
Oneida	288	166
Onondaga	6, 100	468
Saint Regis	14, 640	787
Tonawanda	7, 549	607
Tuscarora	5, 000	471
Total in New York	86, 366	5, 139

Location and names of reservations, together with area and population, &c.—Continued.

States and Territories.	Areas in acres.	Indian population of reservations.
NORTH CAROLINA.		
Cheoah Boundary	15,211	2,200
Qualla Boundary	50,000	
Total in North Carolina	65,211	2,200
OREGON.		
Grand Ronde	61,440	860
Klamath	1,056,000	1,023
Malheur	1,778,560	None.
Siletz	225,000	1,109
Umatilla	268,800	1,000
Warm Springs	464,000	554
Not on reservation		*800
Total in Oregon	3,853,800	5,855
UTAH TERRITORY.		
Uinta Valley	2,039,040	450
Not on reservation		*390
Total in Utah	2,039,040	840
WASHINGTON TERRITORY.		
Chehalis	4,225	205
*Colville	2,800,000	3,052
Makah	23,040	728
Nisqually	4,717	1,365
Puyallup	18,062	
Shoalwater	335	
Squaxin Island (Klah-che-min)	1,494	
Lummi (Chah-choo-sen)	12,312	2,899
Muckleshoot	3,367	
Port Madison	7,284	
Snohomish or Tulalip	22,490	
Swinomish (Perry's Island)	7,195	
Quinaielt	224,000	486
Skokomish	4,987	775
Yakama	800,000	3,930
Columbia (Chief Moses)	2,992,240	150
Not on reservation		*310
Total in Washington Territory	6,925,748	13,900
WISCONSIN.		
Lac Court Oreilles	69,136	1,093
Lac de Flambeau	69,824	542
La Pointe (Bad River)	124,333	736
Red Cliff	18,993	726
Menomonee	231,680	1,450
Oneida	65,540	1,492
Stockbridge	11,520	126
Not on reservation		1,210
Total in Wisconsin	586,026	7,375
WYOMING TERRITORY.		
Wind River	1,520,000	2,063
Total in Wyoming	1,520,000	2,063
Indiana		1,000
Florida		
Texas		
Grand total	154,436,362	255,938

* Estimated.

Total number of reservations, 147; total acreage, 154,436,362 acres.

The total number of Indians is 255,938, which gives about 603.41 acres to each Indian.

The total number of reservations includes the twenty Indian pueblos in New Mexico, sixteen of which have been patented to the Indians; also the Moquin pueblos in Arizona.

The following note was received through the General Land Office in relation to the two items mentioned:

The Indian Office has no publication giving the original method of dealing with the Indians as to titles and changes in methods, neither has the office anything showing how much it has cost the Government to extinguish Indian titles to public domain, and the preparation of such information would be so extensive a work as to preclude the possibility of its being furnished at present.

REFERENCES HEREUNDER.

See Report of Public Land Commission, 1880; Laws and Decisions; Revised Statutes of the United States, secs. 2039 to 2178; same, on performance of engagements between the United States and Indians, secs. 2079 to 2110; same, on government and protection of Indians, secs. 2111 to 2116; same, on government of the Indian country, secs. 2127 to 2156; 6 Cranch, 646; 8 Wheaton, 543; 7 Johnston, 246; Indian treaties, U. S. Stats. at Large; act of Congress March 26, 1804, sec. 15, dividing Louisiana into two Territories; Bump's Notes of Constitutional Decisions, titles "Indians" and "Territories."

CHAPTER XVII.

MILITARY RESERVATIONS UPON THE PUBLIC DOMAIN.

HOW RESERVATIONS ARE MADE.

The present method of creating a military reservation from the lands of the public domain is as follows:

The commanding officer of a military department recommends the establishment of a reservation with certain boundaries; the Secretary of War refers the papers to the Interior Department to know whether any objection exists to the declaration of the reserve by the President. If no objection is known to the General Land Office and it is so reported, the reservation is declared by the President upon application of the Secretary of War for that purpose, and the papers are sent to the General Land Office, through the Secretary of the Interior, for annotation upon the proper records. If upon surveyed land the United States land officers are at once instructed to withhold the same from disposal and respect the reservation. If upon unsurveyed land the United States surveyor-general is furnished with a full description of the tract and is instructed to close the lines of public surveys upon the outboundaries of the reserve; the United States land officers are also instructed not to receive any filing, of any kind for the reserved lands.

HOW RESTORED TO PUBLIC DOMAIN.

There is at present no authority for restoring military reservations to the public domain, in view of the act of Congress approved June 12, 1858 (11 Stats., p. 336), which interdicts the sale of any lands in a reservation without a special act of Congress, and provides that such lands shall not be subject to the pre-emption or homestead laws, except in Florida, where under the act of Congress approved August 18, 1856 (11 Stat., p. 87), the Secretary of War may relinquish, in writing, to the Secretary of the Interior any reservation not needed, and it may be disposed of as are other public lands. The act of July 2, 1864, provides for the sale by the Commissioner of the General Land Office of reservations of public lands, which shall be brought into market under existing laws. The minimum price fixed is $1.25 per acre. Such lands cannot be sold for less than this sum.

The act of March 3, 1819, made it the duty of the War Department to sell abandoned military sites and bodies of land once reserved for military purposes. The present method of unmaking a military reservation, or throwing the lands therein into the market for sale, is usually through and by an act of Congress specially for each reservation, or an act providing for the sale of one or more of them. Congress acts upon information received from the War Department as to reservations being no longer necessary for military purposes. These acts of Congress usually contain (see act of February 24, 1871, for illustration) a provision for appointment of appraisers to value the land, and advertising and selling at not less than the appraised value nor at less than $1.25 per acre. The Secretary of War after the act is passed transfers the control of the lands to the Secretary of the Interior, who proceeds as the law directs. The

theory of the appraisal before sale of these lands is that time enhances their value by increase of population surrounding them, as the fort or post on the frontier or in the west is usually the nucleus of a settlement, which grows into a town or city.

The following list shows that the total number of military reservations in land States and Territories is 179, containing 2,920,580.68 acres of land, as follows:

Military reservations in public-land States and Territories, July 1, 1880.

Alabama (1 reservation):

A small reserve at Mobile Bay, area not known.

Alabama and Mississippi:

	Acres.
Islands in Gulf of Mexico	6,061.64

Arizona (13 reservations):

Camp Apache	7,421.14
Camp Crittenden	3,278.08
Camp Bowie	23,040.00
Camp Grant (old)	2,031.70
Camp Grant (new)	42,341.00
Camp Goodwin	23,040.00
Camp Mojave	6,486.81
Camp McDowell	24,750.15
Camp Lowell	49,920.00
Camp Thomas	10,487.00
Camp Verde	12,293.79
Fort Whipple	1,730.00
Timber reserve for Fort Whipple	720.00
Fort Yuma, mostly in California, small part in Arizona.	
Area of military reservations in Arizona not counting Camp Thomas, which is mostly comprised in Camp Goodwin Reservation	197,052.67

Arkansas (2 reservations):

Fort Smith Cemetery	14.81
Quarrying reservation	260.96
Total in Arkansas	275.77

California (19 reservations):

Angel and Alcatraz Islands, area not known.	
Benicia	344.90
Fort Bidwell	3,201.45
Camp Cady	1,562.00
Fort Crook	2,560.00
Deadman's Island	2.00
Camp Gaston	451.50
Fort Hill or Monterey, area not known.	
Camp Independence	2,650.18
Molate Island or Golden Rock, area not known.	
Presidio Reserve No. 1	1,382.22
Point San José (less the area relinquished to city and county of San Francisco by act of Congress approved July 1, 1870)	130.24
Peninsula Island, area not known.	
Fort Reading	3,962.90
Point Loma, area not known.	
San Solito, Bay Point, area not known.	
Three Brothers, Three Sisters, and Marin Islands at San Pablo Bay entrance, area not known.	
Yerba Buena Island, area not known.	
Fort Yuma	5,214.30
Total in California as far as the areas are known	21,461.69

Colorado (5 reservations):

	Acres.
Fort Garland	2,560.00
Fort Lyon	5,864.00
Pike's Peak	8,192.00
Fort Sedgewick	40,960.00
Fort Lewis	22,400.00
Total in Colorado	79,976.00

Dakota (10 reservations):

Fort Abraham Lincoln, area not known.	
Fort Buford, partly in Montana	576,000.00
Fort Pembina	1,899.08
Fort Randall, estimated at	96,000.00
Fort Rice, estimated at	102,400.00
Fort Stevenson, estimated at	48,000.00
Fort Sully, estimated at	28,800.00
Fort Totten estimated at	46,000.00
Fort Wadsworth	78,400.00
Fort Meade	7,840.00
Total area in Dakota, not including Fort Abraham Lincoln, but including one-half of Fort Buford in Montana	985,339.08

Florida (16 reservations):

North end of Amelia Island	419.44
Fort McRee, area not known.	
Battard Island and adjacent lands, area not known.	
Fort Brooke	155.50
Cedar Keys	211.65
Islands in Charlotte Harbor	2,143.38
Dry Tortugas, area not known.	
Egmont Island, area not known.	
Fort Barrancas, area not known	
Neck of land at Saint Andrew's Sound, area not known.	
Fort Marion and blocks in Saint Augustine and land at Matanzas Inlet, area not known.	
At Saint George's Sound, lands mostly disposed of, they constituting a part of what is known as "Forbes's Purchase."	
Saint Joseph's Bay, Point Saint Joseph	3 851.21
Saint Mark's	305.75
At Santa Rosa Sound	5,958.20
Key West Shoals, area not known.	
Total area of reservations in Florida, as far as known	13,045.13

Idaho (5 reservations):

Fort Boise	1,225.55
Fort Hall	646 50
Fort Lapwai	1,226.00
Camp Three Forks, Owyhee	4,800.00
Fort Cœur d'Alene	1,280.00
Total in Idaho	9,178.05

Illinois:

Fort Armstrong (Rock Island), area not known.

Kansas (6 reservations):

Fort Dodge	43,461.00
Fort Hays	7,600.00
Fort Larned	10,240.00
Fort Leavenworth	2,750.00
Fort Riley	19,899.22
Fort Wallace	8,960.00
Total in Kansas	92,910.22

Louisiana (7 reservations):

	Acres.
Battery Bienvenue, area not known.	
Baton Rouge	44.17
On the coast of the Gulf of Mexico quite a number of reserved tracts, area not known.	
Fort Jackson	740.97
Fort Pike, area not known.	
Fort Saint Philip	556.12
Tower Dupres, area not known.	
Total in Louisiana, as far as known	1,341.26

Michigan (6 reservations):

Fort Brady, exact area not known.	
Fort Gratiot, all sold.	
Fort Mackinac, area not known.	
Bois Blanc Island	9,199.43
Fort Wilkins	148.35
Total in Michigan, as far as known	9,347.78

Minnesota (2 reservations):

Fort Snelling, area not known.	
Reserve on Saint Louis River	7.32

Missouri (3 reservations):

Grand Tower Rock, area not known.	
Island in Missouri River, township 50 north, range 33 west	54.70
Fort Leavenworth, area not known.	

Montana (8 reservations):

Camp Baker	2,400.00
Fort Benton, area not known.	
Fort Buford (see under Dakota).	
Fort Ellis	32,160.00
Fort Shaw	32,000.00
Fort Keogh	57,619.00
Fort Assiniboine, estimated	704,000.00
Fort Missoula	2,777.64
Total in Montana, as far as known	830,956.64

Nebraska (6 reservations):

On North Fork of Loup River	3,251.41
Fort McPherson	19,500.00
Fort Niobrara	6,194.84
Fort Robinson	15,360.00
Camp Sheridan	18,225.00
Fort Sidney	3,835.35
Total in Nebraska	66,366.60

New Mexico (13 reservations):

Fort Bayard	8,840.00
Fort Butler (never declared)	76,[illegible]00.00
Fort Craig	24,895.00
Fort Cummings	2,560.00
Fort Marcy	17.77
Fort McRae	2,560.00
On Moro River	5,120.00
Fort Selden	9,613.74
Fort Stanton	10,240.00
Fort Sumner Cemetery	320.00
Fort Thorn	23,040.00
Fort Union	66,880.00
Fort Wingate	64,000.00
Total in New Mexico, not including Fort Butler, never declared	218,086.51

Nevada (3 reservations):

	Acres.
Carlin	920.00
Camp Halleck	10,900.93
Camp McDermitt	10,374.40
Total in Nevada	22,195.33

Oregon (4 reservations):

Fort Klamath	3,135.68
Sand Island	192.07
Point Adams	1,250.11
Fort Orford, area not known	
Total in Oregon, as far as known	4,577.86

Utah (4 reservations):

Fort Cameron	23,378.00
Camp Douglas	2,560.00
Camp Floyd	94,550.00
Rush Lake Valley	5,131.47
Total in Utah	125,599.47

Washington Territory (35 reservations):

Port Angeles and Ediz Hook, area not known.	
Canoe Island	43.10
Fort Cascades	320.21
Fort Colville	1,070.00
Cape Disappointment	536.20
Lopez Island	1,233.90
Straits Juan de Fuca	2,098.60
Point Roberts	2,434.55
On San Juan Island	1,148.33
Shaw Island	1,110.20
Fort Three Tree Point	640.00
Port Townsend	621.97
Fort Vancouver	640.00
Fort Walla Walla	619.57
On north side of New Dungeness Harbor	300.00
South side New Dungeness Harbor	640.00
West side of entrance to Washington Harbor	640.00
East side of entrance to Washington Harbor	640.00
Challam Point	640.00
Opposite Challam Point	640.00
Opposite Protection Island	640.00
Vancouver Point	640.00
Point Wilson	640.00
Admiralty Head	640.00
Marrowstone Point	640.00
North of entrance to Deception Pass (including islands)	640.00
South of entrance to Deception Pass	640.00
Two islands east of Deception Pass	200.00
Tala Point, near Hood's Canal	640.00
Hood's Head, near Hood's Canal	640.00
Foulweather Point	640.00
Double Bluff	640.00
Point Defiance	640.00
Three tracts on west side of narrows of Puget Sound (each 640)	1,920.00
Most northerly point of Whidbey's Island	640.00
Total area reserved in Washington Territory, including some lands disposed of prior to date of the orders declaring reservations	25,446.00

Wisconsin (1 reservation):

Stone Quarry Reservation in township 28 north, range 25 east	1,046.10

Wyoming (9 reservations):

	Acres.
Fort Bridger	10,240 00
Fort Fetterman	89,680.00
Fort Laramie	34,560.00
Fort D. A. Russell	4,512.00
Fort Sanders	21,882.64
Fort Fred Steele	23,040.00
Sulphur Creek (for coal)	100,00
Fort McKinney	25,600.00
Depot McKinney	640.00
Total in Wyoming	210,254.64

Recapitulation of areas as far as known or estimated.

No. of reservations.	States and Territories.	Area.
		Acres.
1	Alabama	....
.....	Islands in Gulf, Alabama and Mississippi	6,061.64
13	Arizona	197,082.67
2	Arkansas	275.77
19	California	21,461.69
5	Colorado	79,976.09
10	Dakota, including that part of Fort Buford in Montana	985,839.06
16	Florida	12,045.13
5	Idaho	9,178.05
1	Illinois, Fort Armstrong (area not known)	....
6	Kansas	92,910.22
7	Louisiana	1,841.26
6	Michigan	9,347.78
2	Minnesota, besides Fort Snelling	7.32
3	Missouri (one partial)	54.70
8	Montana	830,956.64
6	Nebraska	66,956.69
13	New Mexico (Fort Butler never declared)	218,096.51
3	Nevada	22,195.33
4	Oregon	4,577.88
4	Utah	125,599.47
35	Washington	25,446.09
1	Wisconsin	1,046.10
9	Wyoming	210,254.64
179	Grand total	2,920,580.[illegible]

CHAPTER XVIII.

STATE SELECTIONS.

September 4, 1841, Congress granted, by the eighth section of the "State selection act," to each State named, and "to each new State that shall hereafter be admitted into the Union," 500,000 acres of public lands for internal improvements, which included the quantity that was granted to such State before its admission, and while under a Territorial government, for such purpose. (See U. S. Statutes at Large, and Regulations of the General Land Office, for method and details of selection and patenting.)

The selections under this act have amounted to 7,806,554.67 acres, most of which have been patented to the several States, viz:

States.	Acres.	Disposition.
Illinois	209, 085. 50	Satisfied.
Missouri	500, 000	Do.
Alabama	97, 469. 17	Do.
Mississippi	500, 000	Do.
Louisiana	500, 000	Do.
Michigan	500, 000	Do.
Arkansas	500, 000	Do.
Florida	500, 000	484,184 acres selected.
Iowa	500, 000	Satisfied.
Wisconsin	500, 000	Do.
California	500, 000	487,709 acres selected.
Kansas	500, 000	Satisfied.
Minnesota	500, 000	Do.
Oregon	500, 000	Do.
Nevada	500, 000	470,014 acres selected.
Nebraska	500, 000	Satisfied.
Colorado	500, 000	302,541. 26 acres selected.
Total	7, 806, 554. 67	

Illinois and Alabama received part of the 500,000 acres under previous grants.
Ohio and Indiana received their quotas for internal improvement prior to the act of September 4, 1841.

CHAPTER XIX.

DISTRIBUTION ACT OF SEPTEMBER 4, 1841.

DISTRIBUTION OF THE NET PROCEEDS OF THE MONEYS ARISING FROM THE SALES OF PUBLIC LANDS IN THE SEVERAL PUBLIC LAND STATES AND TERRITORIES.

The act of September 4, 1841, provided that after deducting 10 per cent. of the net proceeds of the sales of public lands within the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan, all the net proceeds of the sales of public lands in all the States, subsequent to December 31, 1841, were to be divided *pro rata* among the twenty-six States and the Territories of Wisconsin, Iowa, and Florida, and the District of Columbia, according to their respective Federal population, as ascertained by the census of 1840.

Statement of the amount allowed and paid to the States of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas, and Michigan under the distribution act of September 4, 1841.

State	Amount
Ohio	$61,046 33
Indiana	30,278 13
Illinois	50,563 10
Alabama	25,125 23
Missouri	23,246 55
Mississippi	14,068 14
Louisiana	14,168 99
Arkansas	5,012 1[illegible]
Michigan	9,729 5[illegible]
Total	233,258 9[illegible]

CHAPTER XX.

CANAL, WAGON, AND RAILROAD GRANTS.

LAND GRANTS FOR PUBLIC IMPROVEMENTS.

The quantity of subsidies of public lands to aid in constructing canals, wagon, and railroads grew out of the fierce political battles, after the year 1803, on the subject of internal improvements by aid of the National Government. It was contended by the various factions favoring these improvements that the power of Congress to act in such cases was derived from the clause for "common defense and general welfare," or the clause authorizing Congress "to establish post-offices and post-roads," and under the clause to "regulate commerce with foreign nations and among the several States and with the Indian tribes." (See report of John C. Calhoun, Secretary of War under President Monroe; the message of President Monroe favoring internal improvements under the general government, May 4, 1822; veto message of President Monroe of Cumberland road bill, May 4, 1822; veto message of President Jackson of Maysville road bill (Kentucky), May 27, 1830, and same of date December 2, 1834, on Wabash improvement bill in sixth annual message; see also veto message of President Polk upon the river, harbor, and improvement bill; the report of Mr. Calhoun to the Memphis convention upon the improvement of the Western rivers; Mr. Benton's Thirty Years in the United States Senate; Wheeler's Biographical Dictionary of Congress; Williams's Statesman's Manual; Presidents' messages to 1880, and reports of committees of Congress to 1880.)

FIRST ACT GRANTING LANDS FOR PUBLIC IMPROVEMENTS—OHIO, 1802.

April 30, 1802, Congress made the first appropriation of public lands in favor of public improvements. In the enabling act for the State of Ohio it was provided that one-twentieth part of the net proceeds from the sales of public lands lying in said State and sold by Congress should be given to the State for the purpose of laying out and making public roads from the navigable waters emptying into the Atlantic to the Ohio River—roads to be laid out under authority of Congress with the consent of the several States through which they passed.

The act giving Ohio 3 per cent. of the net proceeds of land sales for laying out, opening, and making roads within said State was passed March 3, 1803.

CANAL GRANTS, OHIO, INDIANA, AND ILLINOIS.

Legislation of like character was passed until after the year 1823. A canal act, with right of way, for Indiana, was passed March 26, 1824. This was not utilized.

The act for Indiana, passed March 2, 1827, abrogated the act of 1824, and an act of like date gave to Illinois—as did the act to Indiana—grants of land in aid of the construction of two canals. The Indiana canal, the Wabash and Erie, was to connect the Wabash River with Lake Erie, and the Illinois canal was to connect the waters of the Illinois River with those of Lake Michigan. The act of May 24, 1828, gave to the State of Ohio a grant to aid in the construction of the Miami Canal from Dayton to Lake Erie.

Land equal to two and one-half sections in width on each side of the canal was granted, the United States reserving each alternate section, which reservation then inaugurated has become the rule in land-grants for improvements.

When the lines of the canals were established selections of land were to be allowed, and the title in fee at once passed to the States, who were to dispose of the same. The act provided that the construction of the canals should be commenced within five years and completed within twenty years, and upon failure to comply with these conditions the States were to pay the United States the amount received for any lands previously sold. Purchases from the States were protected by the title in fee having passed to the State upon location of the canals. This was equal to a cash advance by the Nation for construction purposes, as the lands were sold by the States and the money thus obtained built the improvements.

These acts of March 2, 1827, and May 24, 1828, (with the subsequent legislation thereunder), granting lands to Ohio, Indiana, and Illinois in aid of the construction of the canals named, resulted in the vesting to those States for such purpose of 2,014,816 acres of land; the grant to the Wabash and Erie Canal being, in Indiana 1,457,366.06 acres, in Ohio 266,535 acres, a total of 1,723,901.06 acres; and the Illinois canal, connecting the Illinois River with Lake Michigan, 290,915 acres. (See act of March 2, 1833, which authorized Illinois to use the lands granted for the construction of a railroad.)

The total number of grants, beginning in 1824 and ending 1866, and area thereof, viz, 4,424,073.06 acres, made by the United States to the States for canal purposes are shown in the following table:

Land concessions by acts of Congress to States for canal purposes from the year 1824 to June 30, 1880.

States.	Date of laws.	Statutes.	Page.	Name of canal.	Total number of acres granted and certified.
Indiana	Mar. 26, 1824	4	47	Wabash and Erie Canal	....
Do	Mar. 2, 1827	4	236		234,246.73
Do	May 29, 1830	4	416		29,552.50
Do	Feb. 27, 1841	5	414		259,368.48
Do	Aug. 29, 1842	5	542		24,219.83
Do	Mar. 3, 1845	5	731		796,630.19
Do	May 9, 1848	9	219		113,348.33
Ohio	Mar. 2, 1827	4	236	Wabash and Erie Canal	266,535.00
Do	June 30, 1834	4	716		
Do	May 24, 1828	4	305	Miami and Dayton	333,826.00
Do	Apr. 3, 1830	4	393		
Do. (sec. 5)	May 24, 1828	4	306	General canal purposes	500,000.00
Illinois	Mar. 2, 1827	4	234	Canal to connect the waters of the Illinois River with those of Lake Michigan	290,915.00
Do	Aug. 3, 1854	10	344		
Wisconsin	June 18, 1838	5	245	Milwaukee and Rock River Canal	125,431.00
Do	Apr. 10, 1866	14	39	Breakwater and Harbor Ship Canal	200,000.00
Do	Mar. 1, 1872	10	32	Act extending the time for completion of canal to April 10, 1874	
Do	Mar. 7, 1874	18	20	Act extending the time for completion of canal to April 10, 1876	
Michigan	Aug. 26, 1852	10	35	Saint Mary's Ship Canal	750,000.00
Do	Mar. 3, 1865	13	519	Portage Lake and Lake Superior Ship Canal	200,000.00
Do	July 3, 1866	14	81	do	200,000.00
Do	July 6, 1866	14	80	Lac La Belle Ship Canal	100,000.00

RECAPITULATION.

Indiana	1,457,368.0[illegible]
Ohio	1,100,361.[illegible]
Illinois	290,915.[illegible]
Wisconsin	325,431.[illegible]
Michigan	1,250,000.[illegible]
Total quantity granted and certified for canal purposes	4,424,073.[illegible]

Session of Congress and administration when enacted.

	Acres.	Acres.
President Monroe:		
1824. 1st sess., 18th Cong.:		
Indiana.—March 26: Wabash and Erie Canal (not utilized).		
President John Quincy Adams:		
1827. 2d sess., 19th Cong.:		
Indiana.—March 2: Wabash and Erie Canal	234,246.73	
Ohio.—March 2: Wabash and Erie Canal (see act of June 30, 1834)	266,535.00	
Illinois.—March 2: Illinois River and Lake Michigan (see act of August 3, 1854)	290,915.00	
1828. 1st sess., 20th Cong.:		
Ohio.—May 24: Miami and Dayton (see act of April 3, 1830)	333,826.00	
May 24: sec. 5, general canal purposes	500,000.00	
Total under President J. Q. Adams		1,625,522.73
President Jackson:		
1830. 1st sess., 21st Cong.:		
Indiana.—May 29: Wabash and Erie Canal		29,552.50
President Van Buren:		
1838. 2d sess., 25th Cong.:		
Wisconsin.—June 18: Milwaukee and Rock River Canal	125,431.00	
1841. 2d sess., 26th Cong.:		
Indiana.—February 27: Wabash and Lake Erie Canal	259,368.48	
Total under President Van Buren		379,799.48
President John Tyler:		
1842. 2d sess., 27th Cong.:		
Indiana.—August 29: Wabash and Erie Canal	24,219.83	
1845. 2d sess., 28th Cong.:		
Indiana.—March 3: Wabash and Erie Canal	796,630.19	
Total under President Tyler		820,850.02
President Polk:		
1848. 1st sess., 30th Cong.:		
Indiana.—May 9: Wabash and Erie Canal		113,348.33
President Fillmore:		
1852. 1st sess., 32d Cong.:		
Michigan.—August 26: Saint Mary's Ship Canal		750,000.00
President Lincoln:		
1865. 2d sess., 38th Cong.:		
Michigan.—March 3: Portage Lake and Lake Superior Ship Canal		200,000.00
President Johnson:		
1866. 1st sess., 39th Cong.:		
Michigan.—July 3: Portage Lake and Lake Superior Ship Canal	200,000.00	
Wisconsin.—April 10: Breakwater and harbor ship canal (see acts of April 10, 1874, and April 10, 1876)	200,000.00	
Michigan.—July 6: Lac La Belle Ship Canal	100,000.00	
Total under President Johnson		500,000.00
Grand total		4,424,073.06

TERRITORIAL GRANTS IN AID OF INTERNAL IMPROVEMENTS.

The Des Moines River grant of lands to the Territory of Iowa for the purpose of improving the navigation of the Des Moines River from its mouth to the Raccoon Fork, was a peculiar one. (See 9 Stats., p. 77.) The act was approved August 8, 1846, and was the subject of much departmental and judicial construction, running through a long period of years. (See Railroad Company *vs.* Litchfield (23 Howard, 66), and acts of legislature of Iowa of March 22, 1858, and of Congress July 12, 1862, 12 Stats., p. 543.) This grant was partially merged into the grant in aid of the Keokuk, Fort Des Moines and Minnesota Railroad.

The grant to the Territory of Wisconsin took effect upon the admission of Wisconsin as a State, and was for the improvement of the Fox and Wisconsin rivers, in that State, and to aid in constructing a canal connecting those two rivers. It was approved August 8, 1846, the same day as the Iowa grant. In this act was the first provisions for increasing the price of reserved sections of land to double minimum, $2.50 per acre.

WAGON ROAD AND MILITARY WAGON ROAD GRANTS.

The Ohio wagon-road grants of money to aid in constructing roads, in 1802 and 1803, and others of like character, gave way to grants of land for wagon-road purposes.

March 2, 1827, Indiana was granted a piece of public land (Pottawatomie Indian lands), or the money from the sale thereof, for building a road from Lake Michigan, through Indianapolis, to the Ohio River.

March 3, 1827, Ohio was granted one-half of two sections along its line to construct a road from Columbus to Sandusky.

Other grants of like character were made. (See statutes of the United States, from 1827.)

The following shows the military wagon-road grants of public land made by the United States from 1863 to June 30, 1863:

Military wagon-road grants by act of Congress to States or corporations from 1824 to June 30, 1880.

States of—	Date of law.	Statutes at Large.		Wagon roads.	Mile limits.	Number of acres certified or patented to June 30, 1880.
		Volume.	Page.			
Wisconsin	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.		
Do	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870.	3 and 15	302, 930. 36
Do	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872.		
Do	June 25, 1864	13	183	Act granting lands to the State to build a military road to Lake Superior.	3 and 6	....
Michigan	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.		
Do	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870.	3 and 15	221, 013. 35
Do	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872.		
Do	Apr. 24, 1872	17	56	Act extending time for completion of road to January 1, 1874.		
Do	June 20, 1864	13	140	No map filed; limitations of grant expired June 20, 1869.	....	....
Oregon	July 2, 1864	13	355	Oregon Central military road	3	361, 327. 43
Do	Dec. 26, 1866	14	374	Act making provision for indemnity limits.	6	....
Do	Mar. 3, 1869	15	338	Act extending time for completion of road to July 2, 1872.	....	....
Do	July 4, 1866	14	86	Corvallis and Aquinna Bay	6	76, 885. 98
Do	July 5, 1866	14	89	Willamette Valley and Cascade Mountain.	3 alternate sections to be selected within six miles.	107, 893. 01
Do	Feb. 27, 1867	14	409	Dalles military road	3 and 10	126, 910. 23
Do	Mar. 3, 1869	15	340	Coos Bay military road	3 and 6	104, 080. 11
				Total acres	....	1, 301, 040. 47

RECAPITULATION.

	Acres.
Wisconsin	302, 930. 36
Michigan	221, 013. 35
Oregon	777, 096. 76
Total	1, 301, 040. 47

Session of Congress and administration when enacted.		Acres.
President Lincoln:		
1863. 3d. sess., 37th Cong.:		
Wisconsin.—March 3: From Fort Wilkins' Copper Harbor, to Fort Howard, Green Bay, Wis. (see acts of June 8, 1868, and May 6, 1870	302,930.36	
Michigan.—March 3: same road in Michigan—(see acts of June 24, 1864, June 8, 1868, May 6, 1870, and April 24, 1872	221,013.35	
1864. 1st sess., 38th Cong.:		
Oregon.—July 2: Oregon Central Military Road—(see acts March 3, 1869, and December 26, 1876)	361,327.43	
Total under President Lincoln		885,271.14
President Johnson:		
1866. 1st sess., 39th Cong.:		
Oregon.—July 4: Corvallis and Aquinna Bay	76,885.98	
Oregon.—July 5: Willamette Valley and Cascade Mountains	107,893.01	
1867. 2d sess., 39th Cong.:		
Oregon.—February 27: Dalles Military Road	126,910.23	
1869. 3d sess., 40th Cong.:		
Oregon.—March 3: Coos Bay Military Road	104,080.11	
Total under President Johnson		420,769.33
Grand total		1,301,040.47

GRANTS OF PUBLIC LANDS FOR RAILROADS FROM 1850 TO JUNE 30, 1880.

THE GRANT TO THE STATE OF ILLINOIS.

March 2, 1833, Congress authorized the State of Illinois to divert the canal grant of March 2, 1827, and to construct a railroad with the proceeds of said lands. This was the first Congressional enactment providing for a land grant in aid of a railroad, but was not utilized by the State.

The first right of way (30 feet on each side of its line) through the public lands for a railroad, with use of timber within 300 feet on either side and 10 acres at terminus, was granted to a Florida company March 3, 1835.

In the right of way to the New Orleans and Nashville Railroad Company granted July 2, 1836, first appears the requirement of filing a description of the route and surveys with the General Land Office. Easements were granted for necessary depots, water stations, and workshops, in blocks of not more than five acres on the line of the road, and adjacent, and at least fifteen miles apart. Material for construction—earth, stone, or timber—might be taken from the public lands. A limitation as to beginning the road within two years and completing the same in eight years, was provided, with a forfeiture of the grant unless construction was carried out as above. Abandonment of the road caused the grant to "cease and determine." The East Florida grant required maps to be filed with the Commissioner of the General Land Office showing the location of the lands, as also did grants for other railroads.

The act of September 20, 1850, was the first railroad act of real importance, and initiated the system of grants of land for railroads by Congress which prevailed until after July 1, 1862. This grant gave the State of Illinois alternate sections of land (even-numbered) for six sections in width on either side of the road and branches, being a grant of specific sections.

The second section initiated the "indemnity" practice, or the granting of lands to the company in lieu of lands within the original grant occupied by legal settlers at the time of the definite location of the route, to be taken within fifteen miles of the

road, and designated the method of disposition. The third section provided that lands of the United States within the grant limits should not be sold at less than double minimum price ($2.50) being an increase of the price of lands from $1.25 to $2.50 per acre, or from single to double minimum. It provided for a forfeiture of the grant, with payment by the State to the United States for lands sold, in case of failure to construct within a certain fixed time. Unsold lands were to revert to the public domain, and purchasers from the State to have good title. This was providing for default and reversion thereafter.

The road was to be a public highway, to be used by the Government free of toll or other charges, and the mails were to be carried at prices to be fixed by Congress.

TERMS OF THE ACT EXTENDED TO ALABAMA AND MISSISSIPPI.

This act extended like terms and conditions to the States of Alabama and Mississippi in aid of the Mobile and Ohio road which was to connect with the Illinois Central and branches—all of which roads are now established.

LEGISLATIVE HISTORY OF THE ILLINOIS ACT OF 1850.

The following legislative history of the passage of this law is from a statement made by the Hon. Stephen A. Douglas, noted and written out by Col. J. Madison Cutts, U. S. A.:

The Illinois bill was the pioneer (railroad) bill, and went through without a dollar, pure, uncorrupt.

As early as 1835 the Illinois legislature granted to D. B. Holbrooke a charter for the Illinois Central Railroad, and also for the construction of a city at the mouth of the Ohio River, called Cairo, and various other charters for enterprises connected with his proposed improvements at Cairo. Before Mr. H. had taken any steps to construct the road, the Illinois legislature, at the session of 1836–'37 commenced a system of internal improvements at the expense and under the control of the State, which system embraced the construction of the Illinois Central Railroad among other works, and they repealed the charter granted to Mr. H. for that road.

After spending a large amount of money on these various works, including over a million of dollars upon the Illinois Central road, the credit of the State failed during the pecuniary revulsions of 1837, 1838, 1839, and 1840, and the works were all abandoned. Mr. H. again applied to the State for a charter to construct a road, which was granted to him and his associates, together with all the work that had been already done, on condition that he would proceed and construct the road.

Mr. H. through his friend and partner, Judge Breese, Senator from Illinois, applied to Congress for a pre-emption right to enter all the lands at any period within ten years, on each side of the line of said road, at one dollar and a quarter per acre, and Senator Breese reported a bill to that effect from the Committee on Public Lands of the Senate, and urged its passage. His colleague, Mr. Douglas, denounced the proposition as one of extravagant speculation, injurious to the interests of the State, inasmuch as its effect would be to withhold eight or ten million acres of land from settlement and cultivation for the period of ten years, until they should become valuable in consequence of the improvements made by the settlers upon the adjacent lands, without imposing any obligation on the company to make the road or to pay for any of the lands except those which they should in the mean time sell at advanced prices; the bill, in fact, creating a vast monopoly of the public lands. Mr. Douglas then introduced into the Senate a counter proposition, which was to make the grant to the State of Illinois of alternate sections. Mr. H. and his agents used their influence to defeat this bill, because the grant was made to the State instead of to the company. Mr. Douglas succeeded in passing it in the Senate, with almost certain prospect of its passage in the House, where it was supposed that the grant was certain to become a law. Mr. H. and his agents went directly to Illinois, where the legislature was in session, but at a time when no person in Illinois supposed that the bill would pass Congress, and procured the passage of a law making several important amendments to its charter. After the legislature adjourned, and after the land grant had been defeated in Congress, fortunately, but unexpectedly, by two votes, Mr. Douglas returned home, and upon examining the manuscript acts of the legislature before they were printed, discovered that a clause had been surreptitiously inserted into the amendments conveying to the company all the lands granted or which should be granted to the State of Illinois, to aid in the construction of railroads in that State. This act purported to have passed the Illinois legislature on the very day on which the final vote was taken in Congress upon the grant of lands. Upon inquiry of the governor, secretary of state, and members of the legislature, they all denied any knowledge of

this particular clause in the act, and no one could account for its being in the act, nor did any one know at what time it was inserted, or by whom.

By an examination of the journals, it appeared that the legislature had at the same time passed resolutions instructing their Senators and requesting their Representatives in Congress to vote for the grant of land, although it had already passed the Senate, and all the Representatives were supporting it in the House.

Mr. Douglas, * * * at Chicago, made a public speech, in which he exposed this act of the Illinois legislature in giving away the lands which Congress proposed to grant to the State, and denounced it, and pledged himself to defeat any grant of lands in Congress which should come to * * * anybody except the State of Illinois.

It was never ascertained how the amendment was introduced. When Congress assembled at the next session, Mr. Holbrooke * * * urged Mr. Douglas to renew his bill for the grant of land. Mr. Douglas showed him a bill which he was about to introduce, commencing the road at a different point on the Ohio River, and running it to Chicago on a different line from the Illinois Central, and making it a condition of the grant that it should not inure to any railroad company then in existence.

Mr. H. begged Mr. Douglas to save Cairo, where he had lodged his entire fortune. Mr. D. consented, provided he would release his charter for the road, and his charters for the various improvements at Cairo. Mr. H. went to New York * * * "and after a time" brought back a satisfactory release. "I immediately sent the release to the secretary of state of Illinois, to be filed and recorded, and requested him to telegraph me upon its reception. I waited until I received the dispatch and then called up the bill and passed it through the Senate. The bill, when first introduced, had been opposed by the Senators from Mississippi, Davis and Foote, on the ground of its unconstitutionality, and also by the Senators from Alabama, King and Clement, and by the members of the House from those States. Immediately after its first defeat I went to my children's plantation in Mississippi, and from there to Mobile, intending to see the president of the Mobile Railroad, then building, but which had been stopped, and failed for want of means. I inquired the way to the office, found it and himself, and fortunately all the directors, who had just had a meeting and knew what to do. I proposed to him to procure a grant of lands, by making it a part of my Illinois Central Railroad bill, which they assented to. I told them that their Senators and Representatives must vote for the bill. They said they would. 'No,' I replied, 'they already voted against it. It is necessary to instruct them by the legislatures of your States.' One of the directors, Foote, was related to Senator Foote, of Mississippi, and said he would have this done, and that Foote would never be re-elected to the Senate unless he did vote as he was required. The others all thought they had sufficient influence to secure instructions from the legislatures of Alabama and Mississippi. I told them it was necessary to keep quiet, and secret, as to my connection in the matter. They promised this, and we all returned to Montgomery, Alabama. They begged me to stop with them, but I went straight to Washington, being afraid to be seen in those parts. After I arrived in Washington, the instructions came from Alabama, and King came, and * * * stormed at the legislature. Davis did not know what in the world was the matter, and refused to believe it. Soon after came instructions, by telegrapic report, from Mississippi. Davis stormed, and a few days after came his letters and written instructions. Then they wanted me to assist them. I told them, * * * to conceal my connection with their instructions, that they had refused to support my bill, and that I could carry it without them; but I finally yielded, and consented to King's proposition (I allowed it to come from him) to amend my bill, so as to connect the Mobile road, thus making a connection between the latter and the Gulf of Mexico. Some time afterwards I prepared an amendment—Mr. Rockwell, of Connecticut, a good lawyer, assisting me—and gave them notice that I was going to call up the bill in the Senate. When I did so, I found that Foote, Davis and King, and others, were absent from the Senate room, and I sent a boy to their committee-rooms to summon them. They came in haste, King saying that he had not prepared an amendment, and that he did not know what was required, and asking me to draw one for him. I told him I had anticipated this, and showed him the amendment which I had prepared. I then made my motion in the Senate, and Mr. King then rose, and with great dignity asked the Senator from Illinois to accept an amendment which he had to offer. I did so. They all voted for the bill, and it passed the Senate and went to the House.

"When the bill stood at the head of the calendar in the House, Mr. Harris, of Illinois, moved to proceed to clear the Speaker's table, and the motion was carried. We had counted up, and had fifteen majority for the bill, pledged to support it. We had gained votes by lending our support to many local measures. The House proceeded to clear the Speaker's table, and the Clerk announced 'a bill granting lands to the State of Illinois,' &c. A motion was immediately made by the opposition, which brought on a vote, and we found ourselves in a minority of one. I was standing in the lobby, paying eager attention, and would have given the world to be at Harris's side, but was too far off to get there in time. It was all in an instant, and the next moment a motion would have been made which would have brought on a decided vote and have defeated the bill. Harris, quick as thought, pale and white as a sheet, jumped to his

feet and moved that the House go into Committee of the Whole on the slavery question. There were fifty members ready with speeches on this subject, and the motion was carried. Harris came to me in the lobby and asked me if he had made the right motion. I said 'yes,' and asked him if he knew what was the effect of his motion. He replied, it placed the bill at the foot of the calendar. I asked him how long it would be before it came up again? He said, it would not come up this session; it was impossible; there were ninety-seven bills ahead of it. Why not, then, have suffered defeat? It was better that we did not. We then racked our brains, or I did, for many nights to find a way to get at the bill, and at last it occurred to me that the same course pursued with other bills would place them, each in its turn, at the foot of the calendar, and thus bring the Illinois bill at the head. But how to do this was the question.

"The motions to clear the Speaker's table, and to go into Committee of the Whole on the slavery question, would each have to be made ninety-seven times, and while the first motion might be made by some of our friends, or the friends of other bills, it would not do for us, or any one known to be a warm friend or connected with us, to make the second motion, as it would defeat the other bills and alienate from us the support of their friends. I thought a long while, and finally fixed on Mr. ———, who, though bitterly opposed to me (politically), I yet knew to be my personal friend. Living up in ———, he supported the bill, but did not care much one way or the other whether it passed or not; voted for it, but was lukewarm. I called him aside one day, stated my case, and asked him if he would place me under obligations to him by making the second motion (to go into Committee of the Whole), as often as it was necessary. He said yes, provided that Mr. ———, of ———, whom he hated, should have no credit in the event of the success of the measure. I replied that he would have none.

"Harris, then in the House, sometimes twice on the same day, on others once, either made himself or caused the friends of the other bills to make the first motion, when Mr. ——— would immediately make the second. All praised us; said we were acting nobly in supporting them. We replied, 'Yes, having defeated our bill, we thought we would be generous and assist you.' All cursed Mr. ———. Some asked me if I had not influence enough to prevent his motion. I replied, he was an ardent antagonist, and I had nothing to do with him, to the truth of which they assented. Finally, by this means, the Illinois bill got to the head of the docket. Harris, that morning, made the first motion. We had counted noses and found, as we thought, twenty-eight majority, all pledged. The clerk announced 'a bill granting lands to the State of Illinois,' and so on, reading by its title. The opposition again started; were taken completely by surprise; said there must be some mistake, that the bill had gone to the foot of the calendar. It was explained, and the Speaker declared it all right. A motion was immediately made by the opposition to go into Committee of the Whole; it was negatived by one majority, and we passed the bill by three majority. If any man ever passed a bill, I did that one. I did the whole work, and was devoted to it for two entire years. The Illinois Central Railroad hold their lands now by virtue of the release from Holbrooke, which I procured.

ILLINOIS CENTRAL RAILROAD.

By an act of the Illinois legislature, of date February 10, 1851, the Illinois Central Railroad Company was incorporated as a body politic and corporate. The incorporators were Robert Schuyler, George Griswold, Gouverneur Morris, Franklin Haven, David A. Neal, Robert Rantoul, jr., Jonathan Sturgis, George W. Ludlow, John F. A. Sanford, Henry Grinnell, William H. Aspinwall, Levy Wiley, and Joseph Alsop.

The fifteenth section of the act gave the lands ceded to the State for railroad purposes to this company, the governor of the State to make deed in fee therefor to the corporation. Section 18 provided for certain tax conditions and for the payment by the company to the State of 5 to 7 per cent. of the gross receipts of the corporation, to be paid semi-annually to the treasurer of State. This was in consideration of the grants, privileges, and franchises conferred by the charter. The conditions of the Congressional grant to the State of lands were set up in the charter, and became obligations.

Under this charter the State of Illinois has received from the Illinois Central Railroad Company 5 to 7 per cent. of its gross income.

From March 24, 1855, to April 30, 1880 (paid into the State treasury)...	$7,938,868 51
April 30, 1880..	165,787 68
Total..	8,104,656 19

The road received from the State the lands granted by the National Government, viz: 2,595,053 acres. The State thus far has received in interest alone (the Illinois Central Railroad's gross income being a perpetual source of income to the State) more than $3 per acre for the lands. The State debt of Illinois, September 14, 1880, was $935,000—which will be paid January 1, 1881, from cash now on hand—and thus the State will be free from debt, and the income from this railroad will constitute a fund for State expenses, doing away, to a great extent, with the necessity of taxation for State purposes. The income from this source in 1879 was over $325,477.38.

AMENDMENT TO THE STATE CONSTITUTION RELATING TO THE ILLINOIS CENTRAL RAILROAD.

July 2, 1870, the people of Illinois voted on the following constitutional amendment:

No contract, obligation, or liability whatever, of the Illinois Central Railroad Company, to pay any money into the State treasury, nor any lien of the State upon or right to tax property of said company, in accordance with the provisions of the charter of said company, approved February tenth, in the year of our Lord one thousand eight hundred and fifty-one, shall ever be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State government, and for no other purposes whatever.

This was adopted by a vote of 147,032 in the affirmative, and 21,310 in the negative, and was duly proclaimed as part of the organic law of the State.

OTHER GRANTS AFTER 1850.

The Hannibal and Saint Joseph and Missouri Pacific Railroads were the roads built under the act of June 10, 1852, donating to the State of Missouri certain lands. This act contained two features in addition to the main provisions of the Illinois grant, viz, a plan of disposition of the lands granted, and a clause directing the Secretary of the Interior to offer at public sale, at periods, at the double minimum price ($2.50 per acre) the reserved Government sections. The provisions of the Illinois bill requiring the States to reimburse the Government for lands sold, in case of default, were not in the Missouri act; and in the Arkansas act of February 9, 1853, the section to "offer" the reserved lands was omitted. June 29, 1854, a grant was made to the Territory of Minnesota for the purpose of aiding the construction of a railroad from the southern line to the eastern line of the Territory. This act was very different from any yet passed. It was an unusual thing to make a grant to a Territory, which is not a sovereignty. Its provisions were more full and definite, and selection under authority and supervision of the Interior Department was ordered. (See Statutes at Large for full details). This act was repealed by Congress by act of August 4, 1854. In Rice *v.* Minnesota and Northwestern Railroad, the Supreme Court of the United States sustained the repealing statute, and this grant became forfeited.

The series of grants to Iowa and other States in 1856, and the Minnesota act of 1857, were in the form and substance of the Missouri grants of June 10, 1852, with the change of "odd" for "even" in the description of the sections granted to the States.

THE RAILROAD TO THE PACIFIC—PROPOSED LEGISLATION PRIOR TO 1862.

Prior to July 1, 1862, there had been constant agitation of the question of a railroad to the Pacific, beginning seriously from about the time of the settlement of the northern boundary by the Webster-Ashburton treaty of 1842, and the organization of Washington Territory. A public meeting was held at Dubuque, Iowa, about the year 1838, on this subject. After 1850 Eli Whitney petitioned Congress for a grant of one hundred millions of acres of land to enable him to construct a railroad to the Pacific Ocean. This application was vigorously pushed.

In 1845 Senator Douglas proposed a grant of alternate sections of land to the States of Ohio, Indiana, Illinois, and Iowa, to aid in the construction of a railroad from Lake Erie,

via Chicago and Rock Island, to the Missouri River, and prepared a bill (upon which he issued an address to his constituency) to organize the Territory of Nebraska, extending from the Missouri River westward, &c., as well as a bill to organize the Territory of Oregon, from the summit of the Rocky Mountains to the Pacific Ocean, and to reserve to each of said Territories the alternate sections of land for forty miles on each side of a line of railroad, from a point on the Missouri River where the Lake Erie road should cross the same, and thence to the navigable waters of the Pacific, in the Territory of Oregon, or on the Bay of San Francisco, in the event that California should be annexed in time.

After the admission of the State of California into the Union, in 1850, and up to 1862, a host of measures were proposed in Congress for a railroad to the Pacific Ocean. Frequent reports were made by a select committee in each house (see committee reports of Congress, 1850 to 1862, and Journals of both houses of Congress, and the *Globe*). The main provisions of the bills reported favorably were, that Congress should make an appropriation of lands, varying in the different bills from fifteen to forty sections per mile, from the Missouri River to the Pacific Ocean, and then providing that the President of the United States should receive sealed proposals from contractors for the construction of the road, contractors to construct at their own expense, and own it when constructed, the United States to make conveyance of the lands granted as fast as the road should be completed through the same. The Government was to make a contract in advance for the transportation of the mails; Army and Navy supplies, and all other freights for the Government, to be determined by bids. These bids were to be received on the following points: First, within how short a time will the contractors complete the road? Second, at what rate per annum will the contractors carry the mails and Government freights for a period of twenty years from the completion of the road? When all the bids were received, the President, in the presence of the Cabinet, and other persons, was to open the bids and assign the contracts to those contractors whose bids should be most favorable to the interests of the United States, having in view the shortness of time for completion and the cheapness of transportation upon it.

A bill reported to the Senate in 1858 proposed that the United States should loan to the contractors its 5 per cent. bonds to the amount of twelve thousand five hundred dollars per mile for each mile of the road, which was to be repaid to the United States in transportation of the mails and other Government service to be rendered by the road.

In his annual report for 1849, Secretary of the Interior Ewing called attention to the "Recent Pacific Railroad meetings at Memphis and Saint Louis."

GOVERNMENT SURVEYS FOR A ROUTE.

The Government of the United States, under the War Department, organized and executed a series of transcontinental surveys and explorations from the Mississippi River westward to the Pacific Ocean, for ascertaining the most practicable and economical railroad route to the Pacific. The report reviewed the resources and prospects of the following routes: The extreme northern route (Steven's), between the 47th and 49th parallels, north latitude; the route of the 41st parallel (Mormon route); the route of the 38th parallel (Benton's great central or Buffalo Trail route); the route of the 35th parallel (Rusk's route), and the route of the 32d parallel (El Paso and the Gila to the Pacific) through the Gadsden purchase.

POLITICAL ACTION AND PETITIONS.

Legislatures petitioned, mass meetings were held, and conventions of political parties urged the passage by Congress of a law to build a railroad to the Pacific Ocean.

In 1856 the Democratic party, in national convention at Cincinnati, in June, passed a resolution (in their platform) asserting that it was the duty of the Federal Government to exercise all its constitutional power to aid in building the railroad to the Pa-

cific. The Republican party, at its national convention at Philadelphia in June, 1856, passed a resolution (in their platform) that the Federal Government ought to render immediate and efficient aid in the construction of such a road, and also for the construction of an overland wagon-road as preliminary. The Douglas wing of the Democratic party at Charleston and Baltimore, in June, 1860, in their platform, after declaring the necessity, said: "The Democratic party pledge such constitutional Government aid as will insure the construction of a railroad to the Pacific Coast."

The Breckenridge wing, at Charleston-Baltimore, in June, 1860, after pledging their party to the use of every means to secure the building of such a road, urged the "passage of some bill to the extent of the constitutional authority of Congress."

The Republican party, at its national convention at Chicago, in June, 1860, again asserted the platform of 1856, with the additional clause that "preliminary thereto (constructing the Pacific Railroad) a daily overland mail should be promptly established."

The three Presidential candidates in 1856, Messrs. Buchanan, Frémont, and Fillmore, wrote letters favoring the road. For political views of the different Presidents on this subject, see messages of President Pierce, especially that of December 5, 1853, on the question of the right or policy of Congress to incorporate in a State or Territory a railroad from the Atlantic to the Pacific, wherein he says: "I shall be disposed, so far as my own action is concerned, to follow the lights of the Constitution as expounded and illustrated by those whose opinions and expositions constitute the standard of my political faith in regard to the powers of the Federal Government." See also messages of President Buchanan, 1857, &c.

In his message of December 6, 1858, President Buchanan speaks of the importance of the road, and says: "It would be inexpedient for this Government to exercise the power of constructing the Pacific Railroad by its own immediate agents." "The construction of this road ought, therefore, to be committed to companies incorporated by the States," and "Congress might then assist them in the work by grants of land or money, or both, with conditions and restrictions as to transportation of troops and munitions of war, free of charge, and the carrying of the mails at a fair price." The old system of grants of lands to States, leaving the State to incorporate companies to build railroads, was the basis of the above arguments.

President Lincoln's messages, 1861 to 1864, contained recommendations and suggestions upon this subject.

THE CHARTER OF THE UNION PACIFIC RAILROAD.

The public having by petition evidenced their opinion to Congress, the Union Pacific Railroad Company was incorporated by a direct act of the Congress of the United States July 1, 1862. They were to build a railroad and telegraph line from the Missouri River to the Pacific Ocean. This was a complete change in the system of land bounties to aid in the building of railroads. The grant was direct to the corporation, thus avoiding the established rule of using a State as a trustee and agent of transfer. It had been fiercely contended prior to this that Congress could not create a corporation to do business in a State without the consent of the State. The company was given right of way, allowances for shops, stations, &c., and in aid of construction "every alternate section of public land," by odd numbers, unless previously disposed of, reserved, or mineral (coal and iron afterward construed not to be reserved by this term), to the extent of five alternate sections per mile on each side of the road.

Bonds in aid of construction were to be issued. The route was to be laid out and maps thereof to be filed (before definite location) with the Department of the Interior; after the filing of maps the lands within fifteen miles of the road were to be withdrawn.

There was no indemnity provision in this law. Thus was inaugurated the system of grants by Congress direct to corporations for railroad construction, which has resulted in the incorporation by Congress, since July 1, 1862, of the Pacific Railroads, as shown by the accompanying table. In some of these grants iron and coal lands

are specifically granted; in others they are not. (See form of patent and acts granting lands for railroad purposes, and cessions of lands to States for railroads.) For an interesting review of this subject see the chapter on "Land grants in aid of internal improvements" (by Willis Drummond, jr.) in Maj. J. W. Powell's "Report on the Lands of the Arid Region," 1878; see also Poore's Railroad Manual, 1880, and Statutes at Large.

It was estimated that if the lands embraced in limits of grants to railroads to June 30, 1880, were all available, and that the corporations, State and National, built their roads, and complied with the laws, it would require 215,000,000 of acres of the public domain to satisfy the requirements of the various laws. The estimate of the General Land Office in 1878 was that it would require 187,000,000 of acres, which in all probability will be reduced by actual selections, forfeitures, &c., to 154,000,000 of acres. The present estimate is 155,504,994.59 acres.

REGULATIONS AND REFERENCES.

For full details respecting railroad grants, regulations governing the same, with details as to survey, selections, verification of lists and proper certification, and authentication of plats of survey &c., see Circular of Instructions, General Land Office, November 7, 1879.

CONSTRUCTION OF LAND-GRANT RAILROADS TO JUNE 30, 1880.

The reports of construction of land-grant railroads during the fiscal year ending June 30, 1880, show an aggregate of 359 miles, which, taken with those previously reported (viz, 15,071.14 miles), make a total of 15,430.14 miles of such roads, distributed as follows:

	Miles.
In Alabama	822.00
In Arkansas	620.16
In California	1,228.89
In Colorado	298.00
In Dakota	196.00
In Louisiana	152.00
In Michigan	1,005.00
In Minnesota	2,389.50
In Mississippi	406.00
In Missouri	703.00
In Nebraska	832.00
In Nevada	460.00
In Florida	247.00
In Illinois	705.72
In Indian Territory	155.00
In Iowa	1,672.00
In Kansas	1,654.00
In Oregon	227.00
In Texas (where there are no United States lands, grants being made by State)	342.87
Utah	255.00
Washington	106.00
Wisconsin	553.00
Wyoming	400.00
	15,430.14

TABLE OF LAND GRANTS AND ESTIMATES.

The following statistical tables show the land concessions in aid of canals, railroads, and military wagon-roads from 1824 to June 30, 1880:

Areas of land-grants for railroads to States and corporations by Congress, actually certified and patented, to June 30, 1880, with the year of grant, session of Congress, and administration.

Administration and Congress.	Granted to State of—	Date.	Name.	Acres patented or certified.	Estimated acres necessary to complete the grant, including acres already patented.	
		1850.				
President Fillmore (1st sess. 31st Cong.).	Illinois	Sept. 20	Illinois Central	2,505,053.00	2,595,053.00	
	do	Sept. 20	Mobile and Chicago			
	Mississippi	Sept. 20	Mobile and Ohio River	737,130.29	1,156,658.73	
	Alabama	Sept. 20	do	419,528.44		
			Total	3,751,711.73	3,751,711.73	
		1852.				
President Fillmore (1st sess. 32d Cong.).	Missouri	June 10	Southwest Branch of the Pacific Railroad	1,161,204.51	1,161,205.00	
	do	June 10	Hannibal and Saint Joseph	603,506.39	603,506.00	
			Total	1,764,710.85	1,764,711.00	
		1853.				
President Fillmore (2d sess. 32d Cong.).	Arkansas	Feb. 9	Saint Louis, Iron Mountain and Southern	1,115,408.41	1,415,408.00	See 1866.
	do	Feb. 9	Little Rock and Fort Smith	550,520.18	1,056,378.00	See 1866.
	do	Feb. 9	Memphis and Little Rock	127,238.51	141,845.00	See 1866.
	Missouri	Feb. 9	Saint Louis, Iron Mountain and Southern	63,294.17	68,540.00	See 1866.
			Total	1,856,461.27	2,682,171.00	
			Total under President Fillmore	7,372,883.85	8,198,593 73	
		1856.				
President Pierce (1st sess. 34th Cong.).	Florida	May 17	Florida Railroad	281,984.17	281,984.00	
	do	May 17	Florida and Alabama	165,688.00	165,688.00	
	do	May 17	Florida, Atlanta and Gulf Central	37,583.29	37,583.00	
	do	May 17	Pensacola and Georgia	1,275,212.93	1,275,212.00	
	Alabama	May 17	Alabama and Florida	394,522.99	394,420.00	
	Iowa	May 15	Burlington and Missouri River	292,172.80	389,184.00	See 1864.
	do	May 15	Chicago, Rock Island and Pacific	482,094.36	645,307.00	See 1864.
	do	May 15	Cedar Rapids and Missouri River	782,069.83	1,156,968.00	See 1864.
	do	May 15	Dubuque and Sioux City	550,467.96	552,000.00	
	do	May 15	Iowa Falls and Sioux City	683,023.80	683,500.00	
	Alabama	June 3	Selma, Rome and Dalton	457,407.87	460,700.00	
	do	June 3	Coosa and Tennessee	67,784.96	68,000.00	
	do	June 3	Mobile and Girard	504,145.86	505,000.00	
	do	June 3	Alabama and Chattanooga	553,581.34	460,000.00	
	do	June 3	South and North Alabama	433,600.80	440,000.00	
	do	June 3	Coosa and Chattooga		60,000.00	
	Louisiana	June 3	North Louisiana and Texas	353,211.70	353,212.00	
	do	June 3	New Orleans, Opelousas and Great Western	719,193.79	719,193.79	
	Michigan	June 3	Port Huron and Lake Michigan	37,427.43	37,428.00	

Areas of land-grants for railroads to States and corporations by Congress, &c.—Continued.

Administration and Congress.	Grant to State of—	Date.	Name.	Acres patented or certified.	Estimated acres necessary to complete the grant, including acres already patented.	
		1864.				
President Pierce (1st sess. 34th Cong.)—Continued.	Michigan	June 3	Jackson, Lansing and Saginaw	743, 009. 36	750, 000. 00	See 1871.
	......do	June 3	Flint and Pere Marquette	512, 337. 03	513, 000. 00	
	......do	June 3	Marquette, Houghton and Ontonagon	437, 385. 00	552, 515. 00	See 1865.
	......do	June 3	Grand Rapids and Indiana	629, 993. 11	855, 000. 00	See 1864.
	Wisconsin	June 3	Chicago, Saint Paul and Minneapolis	474, 913. 20	805, 816. 00	See 1864.
	......do	June 3	Wisconsin Railroad Farm Mortgage Land Company	40, 049. 11	40, 049. 00	
	......do	June 3	Saint Croix and Lake Superior (see act of May 5, 1864)	524, 538. 15	843, 000. 00	See 1864.
	......do	June 3	Branch to Bayfield (see act of May 5, 1864)	318, 959. 41	565, 000. 00	See 1864.
	......do	June 3	Chicago and Northwestern	545, 575. 76	550, 000. 00	See 1864.
	Mississippi	Aug. 11	Vicksburg and Meridian	198, 027. 82	200, 000. 00	
	......do	Aug. 11	Gulf and Ship Island	....	200, 000. 00	
			Total	12, 505, 959. 13	14, 559, 729. 79	
		1857.				
President Pierce (3d sess. 34th Cong.).	Minnesota	Mar. 3	First Division Saint Paul and Pacific	466, 403. 48	1, 248, 450. 00	See 1865.
	......do	Mar. 3	Western Railroad (formerly B. B. St. P. P.)	436, 695. 16	815, 000. 00	See 1865.
	......do	Mar. 3	Minnesota Central	176, 456. 08	180, 000. 00	See 1865.
	......do	Mar. 3	Winona and Saint Peter	341, 563. 48	1, 670, 000. 00	See 1865.
	......do	Mar. 3	Saint Paul and Sioux City	959, 319. 24	1, 205, 000. 00	See 1864.
			Total	2, 380, 437. 34	5, 118, 450. 00	
			Total under President Pierce	14, 886, 396. 47	19, 678, 179. 79	
		1862.				
President Lincoln (2d sess. 37th Cong.).	Corporation	July 1	Central Pacific, successor to Western Pacific	....	....	
	......do	July 2	Central Pacific	424, 727. 58	} 6, 500, 000. 00	See 1864.
	......do	July 1	Central Pacific (see act of July 2, 1864)	708, 862. 17		
	......do	July 1	Central Branch, Union Pacific (see act of July 2, 1864)	187, 607. 99	265, 000. 00	See 1864.
	......do	July 1	Kansas Pacific (see act of July 2, 1864)	828, 830. 44	6, 000, 000. 00	See 1864.
	......do	July 1	Union Pacific (see act of July 2, 1864)	1, 859, 474. 59	9, 050, 000. 00	See 1864.
	Michigan	July 5	Chicago and Northwestern	517, 914. 15	520, 000. 00	See 1865.
	Iowa	July 12	Des Moines Valley Railroad((confirming act of August 8, 1846), old Des Moines grant to Iowa.	569, 001. 61	369, 001. 61	
	Colorado	July 1	Denver Pacific	....	800, 000. 00	See 1864 and 1869.
			Total	5, 096, 418. 53	23, 504, 001. 61	
		1863.				
President Lincoln (3d sess. 37th Cong.).	Kansas	Mar. 3	Atchison, Topeka and Santa Fé	2, 474, 686. 47	2, 995, 200. 00	
	......do	Mar. 3	Leavenworth, Lawrence and Galveston	*256, 281. 66	260, 000. 00	
	......do	Mar. 3	Missouri, Kansas and Texas	*658, 068. 13	660, 009. 00	See 1864 and 1866.
			Total (not deducting forfeits)	3, 388, 936. 26	3, 915, 200. 00	

President Lincoln (1st sess. 38th Cong.).	Wisconsin	May 5	Saint Croix and Lake Superior			See Wisconsin, 1856.
	do	May 5	Chicago, Saint Paul and Minneapolis			Do.
	do	May 5	Branch to Bayfield			Do.
	do	May 5	Wisconsin Central	875, 844. 56	750,000.	
	Iowa	May 12	Chicago, Milwaukee and Saint Paul	188, 284. 69	350,000.	
	do	May 12	Sioux City and Saint Paul	396, 998. 80	400,000.	
	Minnesota	May 12	Saint Paul and Sioux City	241, 038. 77		See Minnesota, 1857.
	do	May 5	Lake Superior and Mississippi	860, 564. 09	862,000.	
	Iowa	June 2	Burlington and Missouri River	96, 646. 55		See Iowa, 1856.
	do	June 2	Chicago, Rock Island and Pacific	161, 212. 81		Do.
	do	June 2	Cedar Rapids and Missouri River	358, 423. 70		Do.
	do	June 7	Grand Rapids and Indiana	232, 967. 01		See Michigan, 1856.
	Corporation	July 2	Burlington and Missouri River	2, 374, 090. 77	2,441,600.	
	do	July 2	Sioux City and Pacific	41, 318. 23	45,000.	
	do	July 2	Northern Pacific	746, 509. 52	42,000,000.	
	do	July 2	Central Pacific			See corporation, 1862.
	do	July 2	Denver Pacific			See Colorado, 1862.
	Kansas	July 1	Missouri, Kansas and Texas			See Kansas, 1863.
	Corporation	July 2	Central Branch Union Pacific			See corporation, 1862.
	do	July 2	Kansas Pacific			Do.
	do	July 2	Union Pacific			Do.
			Total	6, 218, 899. 50	46, 848, 600 00	
		1865.				
President Lincoln (2d sess. 38th Cong.).	Wisconsin	Mar. 3	Chicago and North Western			See Wisconsin, 1856.
	Michigan	Mar. 3	Marquette, Houghton and Ontonagon (see act June 3, 1856.			See Michigan, 1856.
	do	Mar. 3	Chicago and Northwestern (see act July 5, 1862)			See Michigan, 1862.
	do	Mar. 3	Bay De Noquet and Marquette	128, 000. 00	128, 000. 00	
	Minnesota	Mar. 3	Western Railroad	222, 649. 57		See Minnesota, 1857.
	do	Mar. 3	First Division Saint Paul and Pacific	784, 642. 06		Do.
	do	Mar. 3	Minnesota Central	3, 279. 93		Do.
	do	Mar. 3	Winona and Saint Peter	1, 326, 444. 42		Do
			Total	2, 465, 016. 58	128, 000. 00	
			Total under President Lincoln	17, 164, 270. 87	74, 395, 801 61	
		1866.				
President Johnson (1st sess. 39th Cong.).	Minnesota	July 4	Southern Minnesota	454, 956. 86	500, 000. 00	
	do	July 4	Hastings and Dakota	225, 178. 66	350, 000. 00	
	Corporation	July 25	Oregon Branch of the Central Pacific	1, 338, 039. 27.	2, 127, 000. 00	
	Kansas	July 25	Missouri River, Fort Scott and Gulf	21, 341. 77	21, 341. 77	
	Corporation	July 25	Oregon and California	323, 148. 68	2, 500, 000. 00	
	do	July 25	Atlantic and Pacific	504, 536. 60	22, 672, 000. 00	
	do	July 27	Southern Pacific	952, 597. 00	5, 260, 000. 00	
	Arkansas	July 28	Saint Louis, Iron Mountain and Southern	207, 681. 08		See Arkansas and Missouri, 1853.
	do	July 28	Little Rock and Fort Smith	366, 196. 26		See Arkansas, 1853.
	do	July 28	Memphis and Little Rock	14, 606. 19		Do.
	Corporation	July 28	Saint Joseph and Denver City	461, 818. 24	470, 956. 00	

* The two last grants forfeited by act of Congress, and lands placed in public domain.

Areas of land-grants for railroads to States and corporations by Congress, &c.—Continued.

Administration and Congress.	Granted to State of—	Date.	Name.	Acres patented or certified.	Estimated acres necessary to complete the grant, including acres already patented.	
President Johnson (1st sess. 39th Cong.)—Continued.	Missouri	1866. July 4	Saint Louis and Iron Mountain		100,000.00	
	Kansas	July 26	Missouri, Kansas and Texas			See Kansas, 1863.
			Total	4,970,295.61	34,001,297.77	
President Johnson (3d sess. 40th Cong.).	Corporation	1869. Mar. 3	Denver Pacific	49,811.59		See Colorado, 1862.
			Total under President Johnson	5,025,107.20	34,001,297.77	
President Grant (2d sess. 41st Cong.)	Corporation	1870. May 4	Oregon Central		1,000,000.00	
President Grant (3d sess. 41st Cong.).	Minnesota	1871. Mar. 3	Saint Vincent (extension of Saint Paul and Pacific)	780,291.75	1,500,000.00	
	Corporation	Mar. 3	Branch Line Southern Pacific	95,498.65	2,500,000.00	
	Michigan	Mar. 3	Jackson, Lansing and Saginaw			See Michigan, 1856.
	Corporation	Mar. 3	Texas Pacific		1,000,000.00 2,000,000.00 10,000,000.00	
	Louisiana	Mar. 3	New Orleans, Baton Rouge and Vicksburg		903,218.00	
President Grant (2d sess. 42d Cong.).	Michigan	1872. May 23	Chicago and Northwestern	327,903.69	327,903.69	
			Total under President Grant	1,203,689.09	19,231,121.69	

RECAPITULATION.*

Administration and Congress.	Acres patented or certified.	Acres granted.
1850.—President Fillmore (1st sess. 31st Cong.)	3, 751, 711. 73	3, 751, 711. 73
1852.—President Fillmore (1st sess. 32d Cong.)	1, 764, 710. 85	1, 764, 711. 00
1853.—President Fillmore (2d sess. 32d Cong.)	1, 856, 461. 27	2, 682, 171. 00
Total under President Fillmore	7, 372, 883. 85	8, 198, 593. 73
1856.—President Pierce (1st sess. 34th Cong.)	12, 505, 959. 13	14, 559, 729. 79
President Pierce (3d sess. 34th Cong.)	2, 380, 437. 34	5, 118, 450. 00
Total under President Pierce	14, 886, 396. 47	19, 678, 179. 79
1862.—President Lincoln (2d sess. 37th Cong.)	5, 096, 418. 53	23, 504, 001. 61
1863.—President Lincoln (3d sess. 37th Cong.)	3, 388, 936. 26	3, 915, 200. 00
1864.—President Lincoln (1st sess. 38th Cong.)	6, 213, 899. 50	46, 848, 600. 00
1865.—President Lincoln (2d sess. 38th Cong.)	2, 465, 016. 58	128, 000. 00
Total under President Lincoln	17, 164, 270. 87	74, 395, 801. 61
1866.—President Johnson (1st sess. 39th Cong.)	4, 970, 295. 61	34, 001, 297. 77
1869.—President Johnson (3d sess. 40th Cong.)	49, 811. 59	....
Total under President Johnson	5, 020, 107. 20	34, 001, 297. 77
1870.—President Grant (2d sess. 40th Cong.)	....	1, 000, 000. 00
1871.—President Grant (3d sess. 41st Cong.)	875, 785. 40	17, 903, 218. 00
1872.—President Grant (2d sess. 42d Cong.)	327, 903. 69	327, 903. 69
Total under President Grant	1, 203, 689. 00	19, 231, 121. 69
Grand total	†45, 647, 347. 48	155, 504, 994. 59

*This statement includes some forfeited grants.
†The grand total as given by General Land Office is 45,650,026.88.

Statement showing grants of lands for railroad and military wagon-road purposes, States, date of law, mile limits, and acres certified and patented, and all land concessions by acts of Congress to States and corporations for railroads and military wagon-road purposes, from the year 1850 to June 30, 1880.

States or corporations.	Date of laws.	Statute.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1880.	Number of acres certified or patented up to June 30, 1880.
Illinois	Sept. 20, 1850	9	466	Illinois Central	6 and 15		2,595,053.00
Do	Sept. 20, 1850	9	466	Mobile and Chicago	6 and 15		
Mississippi	Sept. 20, 1850	9	466	Mobile and Ohio River	6 and 15		*737,130.29
Do	Aug. 11, 1856	11	30	Vicksburg and Meridian	6 and 15		198,027.82
Do	Aug. 11, 1856	11	30	Gulf and Ship Island	6 and 15		
Alabama	Sept. 20, 1850	9	466	Mobile and Ohio River	6 and 15		419,528.44
Do	May 17, 1856	11	15	Alabama and Florida	6 and 15		394,522.99
Do	June 3, 1856	11	17	Selma, Rome and Dalton	6 and 15		457,407.37
Do	May 23, 1872	17	159	Act confirming lands heretofore certified to the State for the Alabama and Tennessee Railroad.			
Do	June 3, 1856	11	17	Coosa and Tennessee	6 and 15		†67,784.96
Do	June 3, 1856	11	17	Mobile and Girard	6 and 15		†504,145.86
Do	June 3, 1856	11	17	Alabama and Chattanooga	6 and 15	1,025.90	553,581.34
Do	Apr. 10, 1869	16	45	Act to renew certain grants of land to the State of Alabama			
Do	June 3, 1856	11	17	South and North Alabama	6 and 15		433,600.80
Do	Mar. 3, 1857	11	200	Act amending the sixth section of original act			
Do	Mar. 3, 1871	16	580	Act to renew certain grants of land to the State of Alabama			
Florida	May 17, 1856	11	15	Florida Railroad	6 and 15		281,984.17
Do	May 17, 1856	11	15	Florida and Alabama	6 and 15		165,688.00
Do	May 17, 1856	11	15	Pensacola and Georgia	6 and 15		†1,275,212.93
Do	May 17, 1856	11	15	Florida, Atlantic and Gulf Central	6 and 15		37,583.29
Louisiana	June 3, 1856	11	18	North Louisiana and Texas	6 and 15		353,211.70
Do	June 3, 1856	11	18	New Orleans, Opelousas and Great Western	6 and 15		‡719,193.79
Do	July 14, 1870	16	277	Act declaring forfeited to the United States all the lands not lawfully disposed of by the State.			
Arkansas	Feb. 9, 1853	10	155	Saint Louis, Iron Mountain and Southern	6 and 15		1,115,408.41
Do	July 28, 1866	14	338	do	Additional 5		207,681.08
Do	May 6, 1870	16	376	Resolution extending the time for completion of first twenty miles of road			
Do	Feb. 9, 1853	10	155	Little Rock and Fort Smith	6 and 15		550,520.18
Do	July 28, 1866	14	338	do	Additional 5		366,196.26
Do	Apr. 10, 1869	16	46	Act extending time for completion of twenty miles of road			
Do	Mar. 8, 1870	16	76	Act repealing provision in act of April 10, 1869, as to mode of sales of land			
Do	Feb. 9, 1853	10	155	Memphis and Little Rock	6 and 15		127,238.51
Do	July 28, 1866	14	338	do	Additional 5		14,606.19
Do	July 4, 1866	14	83	Saint Louis and Iron Mountain	10 and 20		
Missouri	June 10, 1852	10	8	Southwest Branch of the Pacific Road	6 and 15		1,101,204.51
Do	June 5, 1862	12	422	Act extending the time for completion of road ten years			
Do	June 10, 1852	10	8	Hannibal and Saint Joseph	6 and 15		603,506.34

Do	Feb. 9, 1853	10	155	**Saint Louis, Iron Mountain and Southern**	6 and 15		68, 294. 17
Do	July 28, 1866	14	338	do	Additional 5		
Do	July 4, 1866	14	83	**Saint Louis and Iron Mountain**	10 and 20		
Iowa	May 15, 1856	11	9	**Burlington and Missouri River**	6 and 15		202, 170. 80
Do	June 2, 1864	13	96	do	20		96, 046. 55
Do	Feb. 10, 1866	14	349	Resolution extending the time for completion of road			
Do	May 15, 1856	11	9	Chicago, Rock Island and Pacific	6 and 15		482, 094. 86
Do	June 2, 1864	13	98	do	20		161, 212. 81
Do	Jan. 31, 1873	17	421	Act to quiet the title to certain lands in the State of Iowa			
Do	June 15, 1878	20	133	Act to restore certain lands in Iowa to settlement under the homestead law, &c.			
Do	May 15, 1856	11	9	Cedar Rapids and Missouri River	6 and 15		782, 069. 83
Do	June 2, 1864	13	96	do	20		858, 423. 70
Do	May 15, 1856	11	9	Dubuque and Sioux City	6 and 15	120. 00	550, 467. 96
Do	June 2, 1864	13	98	Act authorizing said road to change its line			
Do	Mar. 2, 1868	15	38	Act extending the time for completion of road to January 1, 1872			
Do	May 15, 1856	11	9	Iowa Falls and Sioux City	6 and 15		683, 023. 80
Do	Aug. 8, 1846	9	77	Des Moines Valley Railroad	5	440. 41	369, 001. 61
Do	July 12, 1862	12	543	do.			
Do	May 12, 1864	13	72	Chicago, Milwaukee and Saint Paul (formerly McGregor and Missouri River)	10 and 20		138, 284. 69
Do	May 12, 1864	13	72	Sioux City and Saint Paul	10 and 20		396, 908. 80
Michigan	June 3, 1856	11	21	Port Huron and Lake Michigan	6 and 15		37, 427. 43
Do	Mar. 3, 1879	20	490	Joint resolution releasing the reversionary claim and interest of the United States in and to certain lands in the State of Michigan.			
Do	June 3, 1856	11	21	Jackson, Lansing and Saginaw	6 and 15		743, 009. 36
Do	July 3, 1866	14	78	Act extending the time for completion of road seven years, &c			
Do	Mar. 2, 1867	14	425	Act extending the time for completion of first twenty miles of road			
Do	Mar. 3, 1871	16	586	Act authorizing change of northern terminus from Traverse Bay to Straits of Mackinac, and for other purposes.			
Do	June 3, 1856	11	21	Flint and Pere Marquette	6 and 15		512, 337. 03
Do	Feb. 17, 1865	13	569	Resolution extending time for completion of road			
Do	July 3, 1866	14	78	Act authorizing the company to change its western terminus of road			
Do	Mar. 3, 1871	16	582	Act extending time for completion of road five years			
Do	June 3, 1856	11	21	Grand Rapids and Indiana	6 and 15		629, 993. 11
Do	June 7, 1864	13	119	Grand Rapids and Indiana, from Fort Wayne, Ind., to Grand Rapids	6 and 20		322, 907. 01
Do	Mar. 3, 1865	13	520	Act extending time for completion of road eight years			
Do	June 13, 1856	11	21	Marquette, Houghton and Ontonagon	6 and 15		437, 885. 00
Do	Mar. 3, 1865	13	521	do	20		
Do	May 20, 1868	15	252	Resolution extending time for completion of road, &c			
Do	Apr. 20, 1871	17	643	Act authorizing the Houghton and Ontonagon Railroad Company to resurvey and locate anew a part of its road.			
Do	Mar. 3, 1865	13	521	Bay de Noquet and Marquette	200 sections		128, 000. 00
Do	July 5, 1862	12	620	Chicago and Northwestern	6 and 15	46. 00	517, 914. 15
Do	Mar. 3, 1865	13	520	do	20		
Do	May 23, 1872	17	160	Act authorizing change of route in Michigan	6 and 15		327, 903. 69

* In the adjustment of this grant, the road was treated as an entirety, and without reference to the State line; hence Alabama has approved to her more and Mississippi less land than they would appear to be entitled to in proportion to the length of road line in the respective States.

† No evidence of the construction of any part of these roads, as required by the acts, having been filed in the General Land Office, the grants are presumed to have lapsed, but the lands have not been restored to the mass of public lands, Congress having taken no action to that end.

‡ Lands earned by the construction of eighty miles of road prior to June 3, 1866, 51,452.03 acres.
Lands within the limits of New Orleans, Baton Rouge and Shreveport Railroad grant of March 3, 1871, 227,879.94 acres.
Lands restored to market March, 1873, under the act of July 14, 1870, 439,861.82 acres

Land concessions by act of Congress to States and corporations, &c.—Continued.

States or corporations.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1880.	Number of acres certified or patented up to June 30, 1880.
Wisconsin	June 3, 1856	11	20	Chicago, Saint Paul and Minneapolis, formerly the West Wisconsin	10 and 20	....	474, 913. 20
Do	May 5, 1864	13	66	......do			
Do	Mar. 3, 1873	17	634	Act to quiet the title to the lands of the settlers on lands claimed by the West Wisconsin Railway Company.			
Do	June 3, 1856	11	20	Wisconsin Railroad Farm Mortgage Land Company	....	....	40, 049. 11
Do	July 27, 1868	15	238	Act amendatory of the original act			
Do	June 3, 1856	11	20	Saint Croix and Lake Superior	6 and 15	....	524, 538. 15
Do	May 5, 1864	13	66	......do	10 and 20		
Do	June 3, 1856	11	20	Branch to Bayfield	6 and 15	....	318, 959. 41
Do	May 5, 1864	13	66	......do	10 and 20		
Do	June 3, 1856	11	20	Chicago and Northwestern	6 and 15	....	545, 575. 76
Do	Apr. 25, 1862	12	618	Resolution authorizing change of route in Wisconsin, &c			
Do	Mar. 3, 1865	13	520	Act extending time for completion of road five years			
Do	Mar. 3, 1869	15	397	Authorizing selections of lands along the full extent of original route of road			
Do	May 5, 1864	13	66	Wisconsin Central	10 and 20	29, 398. 51	575, 844. 56
Do	June 21, 1866	14	360	Resolution explanatory of the act of May 5, 1864, and authorizing certain changes of width, in accordance with the act of the State legislature.			
Do	Apr. 9, 1874	18	28	Act to extend the time for completion of road to December 31, 1876			
Minnesota	Mar. 3, 1857	11	195	First Division Saint Paul and Pacific	6 and 15	....	466, 403. 48
Do	Mar. 3, 1865	13	526	......do	10 and 20	2, 597. 26	784, 642. 66
Do	Mar. 3, 1873	17	631	Act extending time for completion of road nine months			
Do	Mar. 3, 1857	11	195	Western Railroad, formerly Brainard Branch Saint Paul and Pacific	6 and 15	....	436, 695. 16
Do	Mar. 3, 1865	13	526	......do	10 and 20	*121, 502. 31	†222, 649. 57
Do	July 12, 1862	12	624	Resolution authorizing the State to change the branch line under certain conditions.			
Do	Mar. 3, 1871	16	588	Saint Vincent Extension Saint Paul and Pacific, south terminus changed from Crow Wing to Saint Cloud.	10 and 20	....	780, 291. 75
Do	Mar. 3, 1873	17	631	Act extending time for completion of road nine months			
Do	June 22, 1874	18	203	Act extending time for completion of road to March 3, 1876, &c			
Do	Mar. 3, 1857	11	195	Minnesota Central	6 and 15	....	176, 456. 08
Do	Mar. 3, 1865	13	526	......do	10 and 20	....	3, 279. 93
Do	Mar. 3, 1857	11	195	Winona and Saint Peter	6 and 15	....	341, 563. 48
Do	Mar. 3, 1865	13	526	......do	10 and 20	2, 929. 52	1, 326, 444. 42
Do	July 13, 1866	14	97	Act allowing selections within twenty miles of road in lieu of lands sold after definite location but prior to withdrawal, &c.			
Do	Jan. 13, 1873	17	409	Act extending the time for completion of road			
Do	Mar. 3, 1857	11	195	Saint Paul and Sioux City	6 and 15	....	959, 319. 24
Do	May 12, 1864	13	74	......do	10 and 20	508. 94	241, 038. 77
Do	July 13, 1866	14	97	Act extending the time for completion of road seven years			

Minnesota	May 5, 1864	13	64	Lake Superior and Mississippi	10 and 20		860, 564. 09
Do	July 13, 1866	14	93	Act authorizing the railroad company to make up deficiency of land within thirty miles of west line of road.			
Do	July 4, 1866	14	87	Southern Minnesota	10 and 20	169, 553. 12	454, 956. 86
Do	July 4, 1866	14	87	Hastings and Dakota	10 and 20	55, 387. 85	225, 178. 66
Kansas	Mar. 3, 1863	12	772	Leavenworth, Lawrence and Galveston	10 and 20		‡256, 281. 66
Do	July 1, 1864	13	339	Act authorizing change of route of branch line			
Do	Apr. 10, 1871	17	5	Act authorizing the company to relocate a portion of its road			
Do	July 24, 1876	19	101	Act declaring a portion of the grant forfeited			
Do	Mar. 3, 1863	12	772	Missouri, Kansas and Texas	10 and 20		‡658, 068. 13
Do	July 1, 1864	13	339	Act extending grant from Emporia to a point near Fort Riley			
Do	July 26, 1866	14	289	Act making grant from Fort Riley to the southern boundary of the State			
Do	Mar. 3, 1863	12	772	Atchison, Topeka and Santa Fé	10 and 20		2, 474, 686. 47
Do	July 23, 1866	14	210	Saint Joseph and Denver City	10 and 20	8, 801. 34	461, 813. 24
Do	July 25, 1866	14	236	Missouri River, Fort Scott and Gulf	19 and 20		21, 341. 77
Do	Mar. 3, 1877	19	404	An act to secure the rights of settlers upon certain railroad lands, and to repeal the first five sections of an act granting lands to the State of Kansas to aid in the construction of the Kansas and Neosho Valley Railroad, &c.			
Corporations	July 1, 1862	12	489	Union Pacific from Omaha, Nebr., to a point near Ogden, in Utah Territory	10 20		1, 859, 474. 59
Do	July 2, 1864	13	356	Union Pacific			
Do	July 3, 1866	14	79	Act authorizing location of Union Pacific Railroad from Omaha westward			
Do	July 26, 1866	14	367	Resolution granting right of way through military reserve, &c			
Do	Apr. 10, 1869	16	56	Resolution for the protection of the interests of the United States in the Union Pacific and Central Pacific Railroads, and providing that the common terminus of the road shall be at or near Ogden, Utah Territory, &c.			
Do	May 6, 1870	16	121	Act fixing the point of junction of the Union Pacific and Central Pacific Railroads, &c.			
Do	May 7, 1878	20	56	An act amendatory of the acts of July 1, 1862, and July 2, 1864			
Do	July 1, 1862	12	489	Central Pacific	10 20		708, 862. 17
Do	July 2, 1864	13	356	do			
Do	July 3, 1866	14	79	An act authorizing location of Central Pacific Railroad eastward			
Do	Apr. 10, 1869	16	56	Resolution for the protection of the interests of the United States in the Central Pacific and Union Pacific Railroads, and providing that the common terminus of the road shall be at or near Ogden, Utah Territory, &c.			
Do	May 6, 1870	16	121	Act fixing the point of junction of the Central Pacific and Union Pacific Railroads.			
Do	May 7, 1878	20	56	An act amendatory of the acts of July 1, 1862, and July 2, 1864			
Do	July 1, 1862	12	489	Central Pacific, successor by consolidation with Western Pacific	10 20		424, 727. 58
Do	July 2, 1864	13	356	Central Pacific			
Do	Mar. 3, 1865	13	504	Act ratifying the assignment made by the Central Pacific Railroad Company to the Western Pacific Railroad Company of that portion from San José to the city of Sacramento.			
Do	May 21, 1866	14	356	Resolution extending the time for completion of first section of twenty miles of Western Pacific Railroad upon certain conditions.			

* Includes 35,685.49 acres of the Chicago, Rock Island and Pacific Railroad; 109,756.85 acres of the Cedar Rapids and Missouri River Railroad, and 77,535.22 acres of the Dubuque and Sioux City Railroad, situated in the old Des Moines River grant of August, 1846, which amounts are a loss to the roads, by the decision of the United States Supreme Court in the case of Wolcott *vs.* Des Moines Company (5 Wallace, 681).

† Includes 89,383.87 acres heretofore certified to the State of Minnesota for the Brainard Branch.

‡ Includes 186,936.72 acres of the Leavenworth, Lawrence and Galveston Railroad, and 260,425.35 acres of the Missouri, Kansas and Texas Railway, situated in the "Osage ceded reservation," which amounts are a loss to the roads, by the decision of the United States Supreme Court at its October term, 1875.

Land concessions by acts of Congress to States and corporations, &c.—Continued.

States or corporations.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	Number of acres certified or patented for the year ending June 30, 1880.	Number of acres certified or patented up to June 30, 1880.
Corporations	July 1, 1862	12	489	Central Branch, Union Pacific	10	1,154.71	187,607.99
Do	July 2, 1864	13	356	......do	20		
Do	July 1, 1862	12	489	Kansas Pacific	10	12 950.43	828,830.44
Do	July 2, 1864	13	356	......do	20		
Do	July 3, 1866	14	79	Act requiring the company to designate route before December 1, 1866			
Do	May 7, 1866	14	355	Resolution extending time for completion of road			
Do	Mar. 6, 1868	15	39	Act restoring the even-numbered sections on line of Pacific railroads and branches, at $2.50 per acre.			
Do	Mar. 3, 1869	15	324	Act extending the Union Pacific Railway, eastern division, line of road to Denver City, and authorizing transfer of lands by said company to the Denver Pacific Railroad Company, between Denver and Cheyenne.			
Do	Mar. 3, 1869	15	348	Resolution authorizing the Union Pacific Railway Company, eastern division, to change its name to Kansas Pacific.			
Do	Mar. 3, 1869	15	324	Denver Pacific	20	....	49,811.59
Do	June 20, 1874	18	111	Act making additions to the fifteenth section of the act approved July 2, 1864.			
Do	July 2, 1864	13	364	Burlington and Missouri River	20 sections per mile.	....	2,374,090.77
Do	May 6, 1870	16	118	Act authorizing the change of route and connection with the Union Pacific Railroad at or near Fort Kearney.			
Do	July 2, 1864	13	363	Sioux City and Pacific	10	....	41,318.23
Do	July 2, 1864	13	365	Northern Pacific	States, 20, 30, and 40; Territories, 40, 50, and 60.	3,016.08	746,509.52
Do	May 7, 1866	14	355	Resolution extending time for commencing and completing road			
Do	July 1, 1868	15	255	......do			
Do	Mar. 1, 1869	15	346	Resolution authorizing issue of bonds, &c			
Do	Apr. 10, 1869	16	57	Resolution authorizing the company to extend its branch line from Portland to Puget Sound, &c.			
Do	May 31, 1870	16	378	Resolution authorizing the issue of mortgage bonds, reversing locations of main and branch lines, in Washington Territory, extending indemnity limits, &c.			
Do	July 15, 1870	16	305	Act requiring the Northern Pacific Railroad Company to pay the cost of surveying, &c.			
Do	July 13, 1866	14	94	* Placerville and Sacramento Valley	10 and 20		
Do	Apr. 15, 1874	18	29	Act declaring the grant forfeited to the United States			
Do	July 25, 1866	14	239	Oregon Branch of the Central Pacific	20 and 30	787,274.37	1,338,039.27
Do	June 25, 1868	15	80	Act extending the time for completion of road			
Do	Apr. 10, 1869	16	47	Act amendatory of the original act and providing for the sale of the lands to actual settlers at a fixed price and limited quantity.			
Do	July 25, 1866	14	239	Oregon and California	20 and 30	....	323,148.68
Do	June 25, 1868	15	80	Act extending the time for completion of road			
Do	Apr. 10, 1869	16	47	Act amendatory of the original act and providing for the sale of the lands to actual settlers at a fixed price and limited quantity.			

Do.	July 27, 1866	14	292	Atlantic and Pacific	States, 20 and 30; Territories, 40 and 50.		504, 536. 60
Do.	Apr. 20, 1871	17	19	Act authorizing the company to mortgage its road			
Corporations.	July 27, 1866	14	292	Southern Pacific	20 and 30	1, 720. 00	962, 597. 00
Do	July 25, 1868	15	187	Act to extend the time for the construction of the road, &c			
Do	June 28, 1870	16	382	Joint resolution concerning the Southern Pacific Railroad of California			
Do.	Mar. 3, 1871	16	579	Branch line of Southern Pacific	20 and 30		95, 493. 65
Do.	Mar. 2, 1867	14	548	*Stockton and Copperopolis	10 and 20		
Do.	June 15, 1874	18	72	Act declaring the grant forfeited to the United States			
Do.	May 4, 1870	16	94	Oregon Central	20 and 25		
Do.	Mar. 3, 1871	16	573	Texas Pacific	California 20 and 30; Territories, 40 and 50.		
Do.	June 22, 1874	18	197	......do.			
Do	Mar. 3, 1871	16	579	New Orleans, Baton Rouge and Vicksburg	20 and 30		
				WAGON ROADS.			
Wisconsin	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.	3 and 15		302, 930. 36
Do	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870			
Do.	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872			
Do.	June 25, 1864	13	183	Act granting lands to the State to build a military road to Lake Superior	3 and 6		
Michigan	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.	3 and 15		221, 013. 35
Do	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870			
Do.	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872			
Do.	Apr. 24, 1872	17	56	Act extending time for completion of road to January 1, 1874			
Do.	June 20, 1864	13	140	No map filed; limitations of grant expired June 20, 1869			
Oregon	July 2, 1864	13	355	Oregon Central military road	3		361, 327. 43
Do.	Dec. 26, 1866	14	374	Act making provision for indemnity limits	6		
Do.	Mar. 3, 1869	15	338	Act extending time for completion of road to July 2, 1872			
Do.	July 4, 1866	14	86	Corvallis and Aquinna Bay	3	19, 485. 14	76, 885. 98
Do.	July 5, 1866	14	89	Willamette Valley and Cascade Mountain	3 alternate sections to be selected within six miles.		107, 893. 01
Do.	Feb. 27, 1867	14	409	Dalles military road	3 and 10		126, 910. 23
Do.	Mar. 3, 1869	15	340	Coos Bay military road	3 and 6		104, 080. 11

*Grants declared forfeited by Congress.

RECAPITULATION.

States.	Number of acres certified or patented for the year ending June 30, 1880.	Number of acres certified or patented under the grant.
Illinois		2,596,053.00
Mississippi		985,158.11
Alabama	1,025.90	2,830,571.76
Florida		1,760,468.39
Louisiana		1,072,406.49
Arkansas		2,381,650.63
Missouri		1,828,005.02
Iowa	113,838.96	4,623,172.46
Michigan		3,229,083.00
Wisconsin	40.00	2,807,783.88
Minnesota	226,047.17	7,279,484.15
Kansas	8,807.39	3,872,191.27
	851,259.42	35,214,978.25
Corporations:		
Pacific railroads	806,115.50	10,435,048.08
	1,157,375.01	45,650,026.33
Wagon roads:		
Wisconsin		302,930.36
Michigan		221,013.35
Oregon		777,096.76
	1,157,375.01	46,951,066.80
Deduct for land declared forfeited by Congress		607,741.76
Total	1,157,375.01	*46,343,325.04

* Including railroad and wagon road grants.

RECAPITULATION OF CHAPTER.

Railroad grants:	Acres.
Grants to States	35,214,978.25
Grants to corporations and Pacific roads	10,435,048.08
Total grants certified and patented	45,650,026.33
Military wagon road grants	1,301,040.47
	46,951,066.80
Deduct lands forfeited	607,741.76
Grand total for railroads and military wagon roads	46,343,325.04
Acres necessary to fill grants provided all roads are constructed, including patents already issued	155,514,994.59

ATTACHMENT OF RAILROAD RIGHTS.

Time when the various railroad rights attach to the lands granted, so far as at present determined.

States or corporations.	Names of roads.	Dates.
Illinois	Illinois Central	September 20, 1850. (Grant fully adjusted.)
Mississippi	Mobile and Ohio River	September 20, 1850. (Grant fully adjusted.)
	Vicksburg and Meridian	August 31, 1850. (Grant fully adjusted.)
	Gulf and Ship Island	*November, 1860.
Alabama	Mobile and Ohio River	September 20, 1850. (Grant fully adjusted.)
	Alabama and Florida	*August 30, 1856.
	Selma, Rome and Dalton	May 20, 1857.
	Coosa and Tennessee	*December 27, 1858.
	Coosa and Chattanooga	*July 3, 1858.
	Mobile and Girard	*May 13, 1858.
	Alabama and Chattanooga, formerly the Northeastern and Southwestern and Wills Valley.	*October 11, 1858.

* Time taken as definite location from data on file in General Land Office, subject, however, to correction upon receipt of evidence to the contrary.

Time when the various railroad rights attach, &c.—Continued.

States or corporations.	Names of roads.	Dates.
Alabama—Cont'd	South and North Alabama, formerly the Tennessee and Alabama Central.	May 22, 1866, between Decatur and a junction with the Alabama and Tennessee Railroad, in township 22 south, range 2 west, and May 30, 1871, between that point and Montgomery.
Florida	Florida Railroad	*From survey in the field, which was between May 17, 1856, and January 10, 1857.
	Florida and Alabama	*From May 17 to 31, 1856.
	Pensacola and Georgia	*March 3, 1857, between Tallahassee and Alligator, in township 13 south, range 17 east, and from September 1 to October 22, 1857, between Tallahassee and Pensacola.
	Florida, Atlantic and Gulf Central.	*February 17, 1857, in the granted, and September 7, 1857, in the indemnity limits.
Louisiana	North Louisiana and Texas, formerly Vicksburg, Shreveport and Texas.	January 27, 1857.
	New Orleans, Opelousas and Great Western.	†October 9, 1856, between New Orleans and Brashear City.
Arkansas	Little Rock and Fort Smith	August 13, 1855, and, under the reviving act, May 13, 1867.
	Saint Louis, Iron Mountain and Southern, formerly Cairo and Fulton.	January 17, 1855, and, under the reviving act, July 28, 1866.
	Memphis and Little Rock	August 18, 1855, and, under the reviving act, May 13, 1867.
Missouri	Hannibal and Saint Joseph	March 8, 1853, in the granted, and June 16, 1853, in the indemnity limits. (Grant virtually adjusted.)
	Pacific and Southwestern Branch.	1853. (Grant fully adjusted.)
	Saint Louis and Iron Mountain Extension.	‡April 7, 1870.
Iowa	Burlington and Missouri River	March 24, 1857. (See Supreme Court Reports, 9 Wallace, p. 89, Railroad Company vs. Fremont County.)
	Chicago, Rock Island and Pacific	Survey in the field, which was from October 21, 1856, to March 2, 1857.
	Cedar Rapids and Missouri River.	Survey in the field, which was from September 1, 1856, to July 12, 1857.
	Dubuque and Sioux City	Survey in the field, which was from May 30 to August 31, 1856.
	Iowa Falls and Sioux City	Survey in the field, which was from May 30 to August 31, 1856.
	Chicago, Milwaukee and Saint Paul, formerly McGregor and Missouri River.	*August 19, 1864, from McGregor to section 12, township 95 north, range 35 west. From that point to the southwest corner section 18, township 96 north, range 38 west, between November 30 and December 5, 1868, and from that point to a connection with the Saint Paul and Sioux City Road, between June 28 and 30, 1869, the dates of survey in the field.
	Sioux City and Saint Paul	Survey in the field, which was between September 27 and October 4, 1866.
Michigan	Jackson, Lansing and Saginaw	August 4, 1858.
	Flint and Pere Marquette	August 3, 1857.
	Grand Rapids and Indiana	November 17, 1857, between Grand Rapids and the Straits of Mackinac. March 15, 1856, between Grand Rapids and Fort Wayne, Indiana.
	Bay de Noquet and Marquette	December 1, 1857. (See Secretary's decision of April 12, 1859.—Lester.)
	Houghton and Ontonagon	June 23, 1859.
	Chicago and Northwestern	
Wisconsin	Chicago and Northwestern	From Fond du Lac to the north boundary of the State. Survey in the field, which was between May 1, 1856, and October 16, 1857.
	Wisconsin Central	September 7, 1869.
	Chicago, Saint Paul and Minneapolis, formerly the West Wisconsin.	July 13, 1857, from Tomah to Lake Saint Croix; March 23, 1865, to additional grant under act of May 5, 1864.
	Madison and Portage	June 16, 1857.
	Wisconsin Railroad Farm Mortgage Company.	July 13, 1857.

* Time taken as definite location from data on file in General Land Office, subject, however, to correction upon receipt of evidence to the contrary.

† By the act of July 14, 1870, the lands granted west of Brashear City were declared forfeited to the government, and have since been restored to homestead entry, excepting those falling within the limits of the grant of March 3, 1871, to the New Orleans, Baton Rouge and Vicksburg Railroad.

‡ The grant has never been accepted by the company, but the lands are still reserved, awaiting action by Congress.

Time when the various railroad rights attach, &c.—Continued.

States or corporations.	Names of roads.	Dates.
Wisconsin—Continued.	Saint Croix and Lake Superior, and branch to Bayfield.	November 2, 1857, entire main line, except between Prescott and the south line of township 34 north, which was from November 24 to December 8, 1857. Survey in the field. Branch line, from survey in the field, which was between May 3 and June 10, 1858. April 22, 1865, to additional grant under act of May 5, 1864.
Minnesota	Saint Paul and Pacific	November 9, 1857, within six-mile limits, and January 16, 1858, between six and fifteen mile limits of the main line and branch to Crow Wing, and March 3, 1865, to additional grant under that act.
	Saint Paul and Pacific (Saint Vincent extension).	From survey in the field, which was between May 18 and September 21, 1871.
	Winona and Saint Peter	July 17, 1857, from Winona to the west line of township 110, range 31 west, in the six-mile limits, and March 22, 1858, between the six and fifteen mile limits. From that point to the west line of township 108, range 37 west. Survey in the field, which was in April, 1864. (See Secretary's decision of August 15, 1874.) January 19, 1867, from that point to the Big Sioux River, in Dakota Territory.
	Minnesota Central	To original grant, from survey in the field, which was between June 8 and July 25, 1857, and to additional grant under act of March 3, 1865, date of act.
	Saint Paul and Sioux City	From Saint Paul to section 28, township 108 north, range 34 west, survey in the field, which was from June 8 to October, 1857, in the six-mile limits, and March 28, 1858, between the six and fifteen mile limits. From that point to section 30, township 104 north, range 39 west, from October 31 to November 8, 1858, within both six and fifteen mile limits. From that point to the southern boundary of Minnesota, June 29, 1866. To the additional grant under the act of May 12, 1864, from date of act, where the road was already definitely located.
	Lake Superior and Mississippi	September 25, 1866.
	Hastings and Dakota	March 7, 1867.
	Southern Minnesota	From the Mississippi River to Houston, survey in the field, which was from July 21 to August 5, 1857. From Houston to section 22, township 104 north, range 8 west, July 4, 1866. From that point to section 2, township 103 north, range 18 west, January 1, 1867. From that point to section 21, township 104 north, range 37 west, November 29, 1866. From that point to section 4, township 104 north, range 39 west, October 24, 1866. From that point to the western boundary of the State, from survey in the field, which was between October 18 and 26, 1870.
Kansas	Missouri, Kansas and Texas	From Junction City to Humboldt, December 3, 1866. From Humboldt to southern boundary of State, January 7, 1868.
	Leavenworth, Lawrence and Galveston.	November 15, 1866, from Lawrence to the north boundary of the Osage lands. November 26, 1867, to the southern boundary of Kansas.
	Saint Joseph and Denver City	March 21, 1870.
	Atchison, Topeka and Santa Fé	From Atchison to Emporia, survey in the field, which was from November 28, 1865, to January 13, 1866. From Emporia to Wichita, survey in the field, which was from May 18 to July 13, 1869. From the sixth principal meridian, near Newton, to section 27, township 23 south, range 5 west, September 23, 1871. From that point west to section 33, township 22 south, range 6 west, October 8, 1870. From that point west to the mouth of Pawnee Creek, in township 22 south, range 16 west, survey in the field, which was from June 21 to December 1, 1870.

Time when the various railroad rights attach, &c,—Continued.

States or corporations.	Names of roads.	Dates.
Kansas—Cont'd..	Atchison, Topeka, and Santa Fé—Continued.	From that point to the west line of range 27 west, March 22, 1872. From that point to the western boundary of the State, May 30, 1872.
Corporation......	Union Pacific	First one hundred miles west from Omaha, October 19, 1864. Second one hundred miles, June 20, 1866. From the 200th to 380th mile post, November 23, 1866. From the 380th mile post to Brown's Summit (nearly to the 700th mile post), survey in the field, which was from April 1 to November 15, 1867. From Brown's Summit to Ogden, survey in the field, which was from May 1 to July 30, 1868. Withdrawal takes effect for the first hundred miles of road within 15-mile limits December 16, 1863, the date when the company filed their map of general route in the Department, and between the 15 and 20 mile limits July 2, 1864, date of additional grant. Withdrawal takes effect from the 100th mile post west from Omaha to Salt Lake City June 28, 1865, the date when the map of general route was filed in the Department. (See Secretary's decision of February 27, 1875.)
	Central Pacific.....................	From Sacramento east to the south line of township 13 north, range 8 east, within ten miles of the road, June 1, 1863, and within twenty miles, July 2, 1864, date of act. *From that point to the east line of township 17 north, range 13 east, September 14, 1866. *From that point to the Big Bend of the Truckee River, in township 20 north, range 24 east, Nevada, October 25, 1867. From that point to Humboldt Wells, December 18, 1866. From that point to Monument Point (head of Salt Lake), January 16, 1867. From that point to Ogden, July 18, 1868.
	*Western Pacific	First twenty miles northward from San José, October 3, 1866. From that point to Sacramento, from survey in the field, which was between January 28 and December 15, 1868.
	Kansas Pacific.....................	From the boundary line between Missouri and Kansas to section 17, township 11 south, range 18 east, Kansas, February 13, 1864. From that point to Fort Riley, from survey in the field, which was between February 13, 1864, and February 18, 1865. From Fort Riley to the 405th mile post (Sheridan, Kans.), July 11, 1866. From that point to Denver City, from survey in the field, beginning June 29, 1869, and ending April 25, 1870, at the 635th mile post.
	Denver Pacific.....................	March 3, 1869, date of act.
	Central Branch Union Pacific......	January, 1864, within the 10-mile limits, and July 2, 1864, date of act, within the 20-mile limits.
	Burlington and Missouri River....	June 15, 1865.
	Sioux City and Pacific	November 9, 1866, in Nebraska, and in Iowa, from survey in the field, which was between November 20 and December 7, 1866.
	Northern Pacific..................	From a junction with the Lake Superior and Mississippi Road, in Minnesota, to the Red River of the North, November 21, 1871. From the Red River of the North to the Missouri River, in Dakota Territory, May 26, 1873. From the Missouri River, in Dakota Territory, to the Little Missouri River, in said Territory, July 20, 1880, the date of filing map of definite location in General Land Office. From Kalama, Wash., north to Tenino, sixty-five miles, September 13, 1873. From Tenino to Tacoma, on Puget Sound, May 14, 1874. According to a decision of the Secretary of the Interior, dated March 22, 1873, the first withdrawal of lands takes effect from the acceptance of the map of general route by the

*Time taken as definite location from data on file in the General Land Office, subject, however, to correction upon receipt of evidence to the contrary.

Time when the various railroad rights attach, &c.—Continued.

States or corporations.	Names or corporations.	Dates.
Corporation......	Northern Pacific—Continued.....	Department, from which time settlement is excluded from the granted sections, and the alternate reserved sections are raised to $2.50 per acre. The first map of general route through Minnesota and a portion of Washington Territory was accepted August 13, 1870, subsequently amended in parts both in Minnesota and Washington Territory. The map of general route through Dakota, Montana, Idaho, and a portion of Washington Territory was accepted February 21, 1872. The map of general route of the branch line in Washington Territory was accepted August 15, 1873, and the map of amended route of branch line was accepted June 11, 1879, but the withdrawal takes effect, so far as respects the lands affected by the change, from the receipt of the letters at the district offices.
	Atlantic and Pacific..............	From Springfield, Mo., to the western boundary of the State, December 17, 1866. From that point to the mouth of Kingfisher Creek, in Indian Territory, December 2, 1871. From that point to the eastern boundary of New Mexico, February 7, 1872. From that point to the eastern boundary of California, March 12, 1872. From San Francisco to San Miguel, Cal., March 12, 1872. Through the county of Los Angeles and part of San Bernardino, California, March 12, 1872. From San Miguel Mission to the Los Angeles County line, August 15, 1872. From a point in township 7 north, range 7 east S. B. M, San Bernardino County, to the Colorado River, August 15, 1872.
	Texas Pacific......................	Road not yet definitely located. Lands withdrawn upon a preliminary line, withdrawal taking effect from date of receipt of the order at the district land offices, which was as follows: New Mexico Territory, December 4, 1871; Arizona Territory, December 26, 1871; California, October 15, 1871.
	New Orleans, Baton Rouge and Vicksburg.	Road not yet definitely located. Lands withdrawn upon a preliminary line, taking effect from date of receipt of the order at the district offices, which was as follows: Letter of November 29, 1871, received at New Orleans December 11, 1871; letter of November 29, 1871, received at Natchitoches, December 20, 1871; letter of March 27, 1873, received at New Orleans, April 3, 1873.
	Oregon Branch of the Central Pacific, formerly California and Oregon.	From Roseville (on the Central Pacific Railroad) to Salt Creek, in township 32 north, of range 5 west, September 13, 1867. From that point to north line of township 46 north, of range 5 west, August 5, 1871.
	Southern Pacific..................	First withdrawal became effective January 2, 1867, date of filing the map of general route in the General Land Office. (See Secretary's decision of April 23, 1875, in case of Alfred Queen, and decision of August 2, 1878, in Samuel Tome *et al.*) Withdrawal for branch line under act of March 3, 1871, became effective April 3, 1871. Right of road attaches from the dates of filing the maps of definite location in the General Land Office.
	Oregon and California............	From Portland, Oreg., south to township 16 south, range 2 west, October 29, 1869. From that point to the south line of township 27 south, March 26, 1870. From that point to near the south line of township 30 south, January 7, 1871.
	Oregon Central....................	May 4, 1870.

Railroad land grants which have lapsed by reason of non-completion of roads within periods prescribed by acts making the grants.

Name of railroad.	States in which located.	Grant by act— Approved—	Grant by act— Stats. Volume.	Grant by act— Stats. Page.	Grant to—	Alternate sections within—	With indemnity within—	Expiration of grants by original act.	Extended by act— Approved—	Extended by act— Stats. Volume.	Extended by act— Stats. Page.	Expiration of grant by extending act.	Estimated quantity of lands granted.	Length of road completed before expiration of grant.	Estimated quantity of lands earned prior to expiration of grant.	Quantity certified or patented up to June 30, 1879.
						Miles.	*Miles.*						*Acres.*	*Miles.*	*Acres.*	*Acres.*
Gulf and Ship Island	Mississippi	Aug. 11, 1856	11	30	State	6	15	Aug. 11, 1866					*652, 800. 00	None	None	None.
Coosa and Tennessee	Alabama	June 3, 1856	11	17	...do	6	15	June 3, 1866					132, 480. 00	None	None	67, 784. 96
Mobile and Girard	...do	June 3, 1856	11	17	...do	6	15	June 3, 1866					840, 880. 00	None	None	504, 145. 86
Coosa and Chattanooga	...do	June 3, 1856	11	17	...do	6	15	June 3, 1866					150, 000. 00	None	None	None.
Pensacola and Georgia	Florida	May 17, 1856	11	15	...do	6	15	May 17, 1866					1, 568, 729. 87	None	None	1, 275, 212. 93
Florida Atlantic and Gulf Central	...do	May 17, 1856	11	15	...do	6	15	May 17, 1866					183, 153. 99	None	None	37, 583. 29
North Louisiana and Texas, formerly Vicksburg, Shreveport and Texas Railroad	Louisiana	June 3, 1856	11	18	...do	6	15	June 3, 1866					610, 880. 00	94	100, 652. 70	353, 212. 68
New Orleans, Baton Rouge and Vicksburg	...do	Mar. 3, 1871	16	579	Company	20	30	Mar. 3, 1876					1, 600, 000. 00	None	None	None.
Saint Louis and Iron Mountain	Missouri	July 4, 1866	14	83	State	10	20	July 1, 1871					*100, 000. 00	None	None	None.
Houghton and Ontonagon, formerly Marquette and Ontonagon Railroad.	...do	June 3, 1856 Mar. 3, 1865	11 13	21 521	...do ...do	6 10	15 20	June 3, 1866 June 3, 1871	June 18, 1864 May 20, 1868	13 15	137 252	June 3, 1871 Dec. 31, 1872	552, 515. 00	20	76, 800. 00	437, 385. 00
North Wisconsin, formerly Saint Croix and Lake Superior, and branch to Bayfield. †	Wisconsin	June 3, 1856 May 5, 1864	11 13	20 66	...do ...do	6 10	15 20	June 3, 1866 May 5, 1869	May 5, 1864	13	66	May 5, 1869	1, 408, 455. 69	None	None	843, 497. 56
Wisconsin Central	...do	May 5, 1864	13	66	...do	10	20	May 5, 1869	April 9, 1874	18	28	Dec. 31, 1876	1, 800, 000. 00	240	1, 536, 000. 00	536, 446. 05
Oregon Central	Oregon	May 4, 1870	16	94	Company	20	25	May 4, 1876					1, 200, 000. 00	47½	608, 000. 00	None.

* Number of acres shown by examination of the official records actually subject to the operation of the grants.
† Evidence of the construction of 60 miles of the North Wisconsin Railroad has been filed, but the Secretary declines to take action thereon.

Rights of way granted to railway companies in certain States and Territories.

States and Territories.	Date of laws.	Statutes.	Page.	Name of company.
Arizona	Mar. 3, 1875	18	482	Southern Pacific Railroad of Arizona.
California	Aug. 4, 1852	10	28	California and Northern Railroad.
Do	June 20, 1874	18	130	Nevada County Narrow Gauge Railroad.
Do	Mar. 3, 1875	18	482	Salmon Creek Railroad.
Do	Aug. 4, 1852	10	28	San Joaquin and Mount Diablo Railroad. Southern Pacific Coast Railroad.
Colorado	June 23, 1874	18	274	Arkansas Valley Railway.
Do	Mar. 3, 1875	18	482	Arkansas Valley and New Mexico Railway.
Do	Mar. 3, 1875	18	482	Cañon City and San Juan Railway.
Do	Mar. 3, 1875	18	482	Colorado and New Mexico Railroad.
Do	Mar. 3, 1875	18	482	Colorado Western Railroad.
Do	Mar. 3, 1875	18	482	Denver and Middle Park Railway.
Do	June 8, 1872	17	339	Denver and Rio Grande Railway.
Do	Mar. 3, 1875	18	482	Denver, South Park and Leadville Railway.
Do	Mar. 3, 1875	18	482	Denver, South Park and Pacific Railway.
Do	Mar. 3, 1875	18	482	Gray's Peak, Snake River and Leadville Railroad.
Do	Mar. 3, 1875	18	482	Mount Carbon, Gunnison and Lake City Railroad. Monarch, Paso, Gunnison and Dolores Railway.
Do	Mar. 3, 1875	18	482	Pueblo and Arkansas Valley Railroad.
Do	Mar. 3, 1875	18	482	Pueblo and Salt Lake Railway. Pueblo and Silver Cliff Railway.
Do	Mar. 3, 1875	18	482	Saint Vrain Railroad. Baker's Park and Lower Animas Railway.
Do	Mar. 3, 1875	18	482	Spanish Range Railway.
Do	Mar. 3, 1375	18	482	Upper Arkansas, San Juan and Pacific Railroad.
Do	Mar. 3, 1875	18	482	Wet Mountain Valley Railroad.
Colorado and Wyoming	Mar. 3, 1875	18	482	Colorado Central Railroad. Deadwood and Redwater Valley Railway.
Dakota	Mar. 3, 1875	18	482	Chicago, Milwaukee and Saint Paul Railway. Bear Butte and Deadwood Railway.
Do	Mar. 3, 1875	18	482	Dakota Central Railway.
Do	June 1, 1872	17	202	Dakota Grand Trunk Railway.
Do	May 27, 1872	17	162	Dakota Southern Railroad. Dakota Railroad.
Do	Mar. 3, 1875	18	482	Sioux Falls Railroad. Saint Paul, Minneapolis and Manitoba Railway.
Do	Mar. 3, 1875	18	482	Sioux City and Pembina Railroad. Travare and Jamestown Railroad.
Florida	Mar. 3, 1875	18	482	Atlantic, Gulf and West India Transit Railroad.
Do	June 4, 1872	17	224	Great Southern Railway.
Do	June 7, 1872	17	280	Jacksonville and Saint Augustine Railroad.
Do	Mar. 3, 1875	18	482	Jacksonville, Pensacola and Mobile Railroad.
Florida and Alabama	June 8, 1872	17	340	Pensacola and Louisville Railroad.
Do	Mar. 3, 1875	18	482	West Florida and Mobile Railroad.
Iowa	June 4, 1872	17	220	Davenport and Saint Paul Railroad.
Kansas	......	......	......	Southern Kansas and Western Railroad. Saint Louis, Wichita and Western Railroad.
Louisiana	Mar. 3, 1875	18	482	Louisiana Western Railroad.
Minnesota	Mar. 3, 1875	18	482	Chicago and Dakota Railway. Saint Cloud and Lake Traverse Railway.
Minnesota and Dakota	Mar. 3, 1875 Apr. 2, 1878	18 20	482 32	Worthington and Sioux Falls Railroad.
Nevada and Oregon	Feb. 5, 1875	18	306	Oregon Central Railway. Carson and Colorado Railroad. Eureka and Palisade Railroad. Nevada Central Railway.
New Mexico	June 8, 1872	17	343	New Mexico and Gulf Railway.
Do	Mar. 3, 1875	18	482	New Mexico and Southern Pacific Railroad.
Oregon	Mar. 3, 1875	18	482	Port Orford and Roseburg Railroad.
Do	Mar. 3, 1875	18	482	Blue Mountain and Columbia River Railroad.
Oregon and Utah	Apr. 12, 1872 Mar. 3, 1873	17 17	52 612	Portland, Dalles and Salt Lake Railroad. Oregon Railway and Navigation Company.
Utah	Mar. 3, 1875	18	482	Bingham Cañon and Camp Floyd Railroad.
Do	Mar. 3, 1875	18	482	San Pete Valley Railroad.
Do	Mar. 3, 1875	18	482	Utah and Pleasant Valley Railroad.
Do	Dec. 15, 1870	16	395	Utah Central Railroad.
Do	Mar. 3, 1875	18	482	Utah Southern Railroad.
Do	Mar. 3, 1875	18	482	Utah Southern Extension Railroad.
Do	Mar. 3, 1875	18	482	Utah Western Railroad.
Do	Mar. 3, 1875	18	482	Wasatch and Jordan Valley Railroad.
Utah, Idaho, and Montana	June 1, 1872	17	212	Utah, Idaho and Montana Railroad.
Do	Mar. 3, 1873 June 20, 1878	17 20	612 241	Utah and Northern Railroad—Utah and Northern Railway.
Washington	Mar. 3, 1875	18	482	Occidental and Oriental Railroad.

Rights of way granted to railway companies, &c.—Continued.

States and Territories.	Date of laws.	Statutes.	Page.	Name of company.
Washington	Mar. 3, 1875	18	482	Seattle and Walla Walla Railroad.
Do.	Mar. 3, 1869 Mar. 3, 1873 Mar. 3, 1875	15 17 18	325 613 482	Walla Walla and Columbia River Railroad.
Wisconsin	Mar. 3, 1875	18	482	Black River Railroad.
Do.	Mar. 3, 1875	18	482	Wisconsin Central Railroad. Menomonee Railway, and North Wisconsin Railway.
Wyoming	Mar. 3, 1875	18	482	Evanston and Montana Railroad.
Do.	Mar. 3, 1875	18	482	Wyoming Central Railroad.

***Grand total of railroad and military road grants patented since* 1850 *to June* 30, 1880.**

	Acres.
Grants to States	**35, 214, 978. 25**
Grants to corporations and Pacific railroads	**10, 435, 048. 08**
	45, 650, 026. 33
Deduct lands forfeited by act of Congress	**607, 741. 76**
Railroad, actual area in acres	**45, 042, 284. 57**
Military wagon-road grants	**1, 301, 040. 47**
Grand total	**46, 343, 325. 04**
Canal grants	**4, 424, 073. 06**
Estimated area, including lands already patented, necessary to fill and complete all grants to railroads under existing laws	**155, 514, 994. 59**

RECAPITULATION.

***Estimated area of the grants of land made by Congress to States and Territories and to corporations from the year* 1850 *to June* 30, 1880.**

	Acres.
In Illinois	**2, 595, 053**
In Mississippi	**1, 137, 130**
In Alabama	**2, 807, 648**
In Florida	**1, 760, 467**
In Louisiana	**1, 256, 430**
In Arkansas	**2, 613, 631**
In Missouri	**2, 605, 251**
In Iowa	**4, 181, 929**
In Michigan	**3, 355, 943**
In Wisconsin	**3, 553, 865**
In Minnesota	**9, 830, 450**
In Kansas	**8, 223, 380**
In Nebraska	**6, 409, 376**
In Colorado	**3, 000, 000**
In Nevada	**4, 000, 000**
In California	**16, 387, 000**
In Oregon	**5, 800, 000**
In Dakota	**8, 000, 000**
In Wyoming	**4, 500, 000**
In Montana	**17, 000, 000**
In Idaho	**1, 500, 000**
In Washington	**11, 700, 000**
In Utah	**1, 850, 000**
In New Mexico	**11, 500, 000**
In Arizona	**18, 500, 000**
Total	**154, 067, 553**

The above estimate is for the quantity of land which will be given by the United States to the various roads if they are constructed.

FORM OF PATENT FOR RAILROAD GRANT LANDS.

The following is the general form of patent used to convey title to grants of lands made to aid in the construction of railroads, but these are modified, of course, according to the statute authorizing the same:

The United States of America, to all to whom these presents shall come, greeting:

Whereas, by the act of Congress approved July 1, 1862, as amended by the act of July 2, 1864, "to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," authority is given to ——, a corporation existing under the laws of the State, "to construct a railroad and telegraph line," under certain conditions and stipulations, as expressed in said acts; and provision is made for granting to the said company "every alternate section of public land designated by odd numbers, to the amount of —— per mile on each side of the said railroad on the line thereof and within the limits of —— miles on each side of the said road, not sold, reserved, or otherwise disposed of by the United States, and to which a pre-emption or homestead claim may not have attached at the time the line of said road is definitely fixed;"

And whereas an official statement, bearing date ——, ——, from the Secretary of the Interior has been filed in the General Land Office, showing that the commissioners appointed by the President, under provisions of the sixth section of the said act of Congress approved July 2, 1864, have reported to him that the portion of the line of railroad and telegraph from ——, ——, has been constructed and fully completed and equipped in the manner prescribed by the acts of Congress relative to the Pacific Railroad and Telegraph Line; and the vice-president of the said —— company has applied for a conveyance of the title to the lands granted to said company by the said acts of Congress of ——, ——;

And whereas certain tracts have been selected under the acts aforesaid by —— ——, the agent for the said —— company, as shown by his original lists of selections, dated ——, ——, certified under dates of ——, ——, by the register and receiver at —— ——, the said tracts of land are particularly described as follows, to wit: —— —— of base line, and —— of —— meridian, —— township ——, range ——.

The said tracts, as described in the foregoing, make the aggregate area ——.

Now know ye, that the United States of America, in consideration of the premises and pursuant to the said acts of Congress, have given and granted and by these presents do give and grant unto the said —— —— company and to its assigns, the tracts of lands selected as aforesaid and described in the foregoing; yet excluding and excepting from the transfer by these presents "all mineral lands," should any such be found to exist in the tracts described in the foregoing, but this exclusion and exception, according to the terms of the statute, "shall not be construed to include coal and iron lands."

To have and to hold the said tracts, with the appurtenances, unto the said —— company and to its assigns forever, with the exclusion and exception as aforesaid.

In testimony whereof, I, —— ——, President of the United States, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, this —— day of ——, in the year of our Lord one thousand eight hundred and ——, and of the Independence of the United States the one hundred and ——.

By the President: —— ——,

[SEAL.] By —— ——,

Secretary.

—— ——,

Recorder of the General Land Office.

Do	July 27, 1866	14	292	Atlantic and Pacific	States, 20 and 20; Territories, 40 and 50.		504, 536. 60
Do	Apr. 20, 1871	17	19	Act authorizing the company to mortgage its road			
Corporations	July 27, 1866	14	292	Southern Pacific	20 and 30	1, 720. 00	952, 597. 00
Do	July 25, 1868	15	187	Act to extend the time for the construction of the road, &c			
Do	June 28, 1870	16	382	Joint resolution concerning the Southern Pacific Railroad of California			
Do	Mar. 3, 1871	16	579	Branch line of Southern Pacific	20 and 30		95, 493. 65
Do	Mar. 2, 1867	14	548	*Stockton and Copperopolis	10 and 20		
Do	June 15, 1874	18	72	Act declaring the grant forfeited to the United States			
Do	May 4, 1870	16	94	Oregon Central	20 and 25		
Do	Mar. 3, 1871	16	573	Texas Pacific	California 20 and 30; Territories, 40 and 50.		
Do	June 22, 1874	18	197	......do			
Do	Mar. 3, 1871	16	579	New Orleans, Baton Rouge and Vicksburg	20 and 30		
				WAGON ROADS.			
Wisconsin	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.	3 and 15		302, 930. 36
Do	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870			
Do	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872			
Do	June 25, 1864	13	183	Act granting lands to the State to build a military road to Lake Superior	3 and 6		
Michigan	Mar. 3, 1863	12	797	From Fort Wilkins, Copper Harbor, Mich., to Fort Howard, Green Bay, Wis.	3 and 15		221, 013. 35
Do	June 8, 1868	15	67	Act extending time for completion of road to March 1, 1870			
Do	May 6, 1870	16	121	Act extending time for completion of road to January 1, 1872			
Do	Apr. 24, 1872	17	56	Act extending time for completion of road to January 1, 1874			
Do	June 20, 1864	13	140	No map filed; limitations of grant expired June 20, 1869			
Oregon	July 2, 1864	13	355	Oregon Central military road	3		361, 327. 43
Do	Dec. 26, 1866	14	374	Act making provision for indemnity limits	6		
Do	Mar. 3, 1869	15	338	Act extending time for completion of road to July 2, 1872			
Do	July 4, 1866	14	86	Corvallis and Aquinna Bay	3	19, 485. 14	76, 885. 98
Do	July 5, 1866	14	89	Willamette Valley and Cascade Mountain	3 alternate sections to be selected within si x miles.		107, 893. 01
Do	Feb. 27, 1867	14	409	Dalles military road	3 and 10		126, 910. 23
Do	Mar. 3, 1869	15	340	Coos Bay military road	3 and 6		104, 080. 11

*Grants declared forfeited by Congress.

RECAPITULATION.

States.	Number of acres certified or patented for the year ending June 30, 1880.	Number of acres certified or patented under the grant.
Illinois	....	2,595,053.00
Mississippi	....	985,158.11
Alabama	1,025.90	2,830,571.76
Florida	....	1,700,468.89
Louisiana	....	1,072,405.49
Arkansas	....	2,381,650.63
Missouri	....	1,828,005.02
Iowa	113,338.96	4,623,172.46
Michigan	....	3,229,033.09
Wisconsin	40.00	2,807,783.38
Minnesota	226,047.17	7,279,484.15
Kansas	8,807.39	3,872,191.27
	351,259.42	35,214,978.25
Corporations:		
Pacific railroads	806,115.59	10,435,048.08
	1,157,375.01	45,650,026.33
Wagon roads:		
Wisconsin	....	302,930.36
Michigan	....	221,013.35
Oregon	....	777,096.76
	1,157,375.01	46,951,066.80
Deduct for land declared forfeited by Congress	....	607,741.76
Total	1,157,375.01	*46,343,325.04

* Including railroad and wagon road grants.

RECAPITULATION OF CHAPTER.

Railroad grants:	Acres.
Grants to States	35,214,978.25
Grants to corporations and Pacific roads	10,435,048.08
Total grants certified and patented	45,650,026.33
Military wagon road grants	1,301,040.47
	46,951,066.80
Deduct lands forfeited	607,741.76
Grand total for railroads and military wagon roads	46,343,325.04
Acres necessary to fill grants provided all roads are constructed, including patents already issued	155,514,994.59

ATTACHMENT OF RAILROAD RIGHTS.

Time when the various railroad rights attach to the lands granted, so far as at present determined.

States or corporations.	Names of roads.	Dates.
Illinois	Illinois Central	September 20, 1850. (Grant fully adjusted.)
Mississippi	Mobile and Ohio River	September 20, 1850. (Grant fully adjusted.)
	Vicksburg and Meridian	August 31, 1850. (Grant fully adjusted.)
	Gulf and Ship Island	*November, 1860.
Alabama	Mobile and Ohio River	September 20, 1850. (Grant fully adjusted.)
	Alabama and Florida	*August 30, 1856.
	Selma, Rome and Dalton	May 20, 1857.
	Coosa and Tennessee	*December 27, 1858.
	Coosa and Chattanooga	*July 3, 1858.
	Mobile and Girard	*May 13, 1858.
	Alabama and Chattanooga, formerly the Northeastern and Southwestern and Wills Valley.	*October 11, 1858.

* Time taken as definite location from data on file in General Land Office, subject, however, to correction upon receipt of evidence to the contrary.

Time when the various railroad rights attach, &c.—Continued.

States or corporations.	Names of roads.	Dates.
Alabama—Cont'd	South and North Alabama, formerly the Tennessee and Alabama Central.	May 22, 1866, between Decatur and a junction with the Alabama and Tennessee Railroad, in township 22 south, range 2 west, and May 30, 1871, between that point and Montgomery.
Florida	Florida Railroad	*From survey in the field, which was between May 17, 1856, and January 10, 1857.
	Florida and Alabama	*From May 17 to 31, 1856.
	Pensacola and Georgia	*March 3, 1857, between Tallahassee and Alligator, in township 13 south, range 17 east, and from September 1 to October 22, 1857, between Tallahassee and Pensacola.
	Florida, Atlantic and Gulf Central.	*February 17, 1857, in the granted, and September 7, 1857, in the indemnity limits.
Louisiana	North Louisiana and Texas, formerly Vicksburg, Shreveport and Texas.	January 27, 1857.
	New Orleans, Opelousas and Great Western.	†October 9, 1856, between New Orleans and Brashear City.
Arkansas	Little Rock and Fort Smith	August 13, 1855, and, under the reviving act, May 13, 1867.
	Saint Louis, Iron Mountain and Southern, formerly Cairo and Fulton.	January 17, 1855, and, under the reviving act, July 28, 1866.
	Memphis and Little Rock	August 18, 1855, and, under the reviving act, May 13, 1867.
Missouri	Hannibal and Saint Joseph	March 8, 1853, in the granted, and June 16, 1853, in the indemnity limits. (Grant virtually adjusted.)
	Pacific and Southwestern Branch.	1853. (Grant fully adjusted.)
	Saint Louis and Iron Mountain Extension.	‡April 7, 1870.
Iowa	Burlington and Missouri River	March 24, 1857. (See Supreme Court Reports, 9 Wallace, p. 89, Railroad Company vs. Fremont County.)
	Chicago, Rock Island and Pacific	Survey in the field, which was from October 21, 1856, to March 2, 1857.
	Cedar Rapids and Missouri River.	Survey in the field, which was from September 1, 1856, to July 12, 1857.
	Dubuque and Sioux City	Survey in the field, which was from May 30 to August 31, 1856.
	Iowa Falls and Sioux City	Survey in the field, which was from May 30 to August 31, 1866.
	Chicago, Milwaukee and Saint Paul, formerly McGregor and Missouri River.	*August 19, 1864, from McGregor to section 12, township 95 north, range 35 west. From that point to the southwest corner section 18, township 96 north, range 38 west, between November 30 and December 5, 1868, and from that point to a connection with the Saint Paul and Sioux City Road, between June 28 and 30, 1869, the dates of survey in the field.
	Sioux City and Saint Paul	Survey in the field, which was between September 27 and October 4, 1866.
Michigan	Jackson, Lansing and Saginaw	August 4, 1858.
	Flint and Pere Marquette	August 3, 1857.
	Grand Rapids and Indiana	November 17, 1857, between Grand Rapids and the Straits of Mackinac. March 15, 1856, between Grand Rapids and Fort Wayne, Indiana.
	Bay de Noquet and Marquette	December 1, 1857. (See Secretary's decision of April 12, 1859.—Lester.)
	Houghton and Ontonagon	June 23, 1859.
	Chicago and Northwestern	
Wisconsin	Chicago and Northwestern	From Fond du Lac to the north boundary of the State. Survey in the field, which was between May 1, 1856, and October 16, 1857.
	Wisconsin Central	September 7, 1869.
	Chicago, Saint Paul and Minneapolis, formerly the West Wisconsin.	July 13, 1857, from Tomah to Lake Saint Croix; March 23, 1865, to additional grant under act of May 5, 1864.
	Madison and Portage	June 16, 1857.
	Wisconsin Railroad Farm Mortgage Company.	July 13, 1857.

* Time taken as definite location from data on file in General Land Office, subject, however, to correction upon receipt of evidence to the contrary.

† By the act of July 14, 1870, the lands granted west of Brashear City were declared forfeited to the government, and have since been restored to homestead entry, excepting those falling within the limits of the grant of March 3, 1871, to the New Orleans, Baton Rouge and Vicksburg Railroad.

‡ The grant has never been accepted by the company, but the lands are still reserved, awaiting action by Congress.

CHAPTER XXIII.

COAL LANDS.

Prior to 1864 coal lands were not specifically noted for reservation or sale, but were disposed of as other public lands under settlement or other laws, until the passage of the pre-emption act of 1841.

The act of Congress of July 1, 1864, for the disposal of coal lands and town property on the public domain, authorized the sale of the coal lands which had been excluded from sale, as mines, by the pre-emption act of 1841. Under this act they became subject to pre-emption at the minimum of $20 per acre, after offering, under proclamation of the President, at public sale to the highest bidder, in suitable legal subdivisions.

March 3, 1865, an act was passed by Congress supplemental to the act of July 1, 1864, giving citizens of the United States, who were engaged in coal mining for commerce, the right to enter, at the proper district land office, 160 acres of land, or less, at $20 per acre.

The act of March 3, 1873, gave a pre-emption right of 160 acres of coal land to a person, and 320 acres to an association, upon payment of not less than $10 per acre, where the lands lie not more than 15 miles from a completed railroad, and $20 per acre where the lands lie within 15 miles of such a road; and further provided that when any association of not less than four persons have expended $5,000 in working and improving any mine, located within limits as above, they may make an additional entry of 640 acres at the several limit prices. (See secs. 2347-2352 R. S.; Regulations of General Land Office, April 15, 1880.)

The rectangular system of surveys is extended over coal lands, and they are sold in conformity with the legal subdivisions thereof.

The method of designation or classification, by noting character of land in field notes by deputy surveyor, and marking on plats, when known, or of proof at the district land office prior to time of filing, is similar to the method of segregation under the mineral act, and is given in detail in the Regulations of the General Land Office, April 15, 1880.

ESTIMATE OF AREA OF COAL MEASURE.

The estimated area of coal lands on the public domain, the property of the United States, is as follows:

	Acres.	Acres.
Washington Territory:		
Area	829,440	
Sold	3,350	
		826,090
Oregon:		
Area	414,720	
Sold	185	
		414,535
California:		
Area	247,820	
Sold	1,800	
		246,020

	Acres.	Acres.
Colorado:		
Area	1,128,225	
Sold	600	
		1,127,625
Utah:		
Area	2,764,800	
Sold	2,180	
		2,762,620
New Mexico:		
Area	10,800	
Sold	720	
		10,080
Wyoming, at least		42,000
Dakota, at least		50,000
Montana, at least		50,000
Arizona, no coal yet discovered.		
Nevada, no coal yet discovered.		
Nebraska, the coal-bearing rocks cover an area of 3,600 square miles, but on account of the smallness of the veins—none exceeding one foot—the coal is of no commercial value.		
Indian Territory, the coal-bearing rocks cover an area of 13,600 square miles.		
Arkansas, the coal-bearing rocks cover an area of 12,000 square miles.		
Total acres		5,528,970

New discoveries in Colorado, Utah, Wyoming, and Dakota will increase the amount given above considerably.

ENTRIES UNDER THE COAL LAND ACTS.

From 1866 to June 30, 1880, under the coal land acts there have been 78 entries at district land offices, containing 10,750.24 acres, for which the United States received $146,999.25, as follows:

State or Territory.	Entries.	Acres.	Amount.
California	18	2,154.79	$32,972 75
Oregon	2	185.18	1,851 80
Utah	13	1,815.64	21,524 00
Washington	26	3,556.92	45,109 00
Wyoming	6	1,355.00	27,100 00
New Mexico	5	721.35	7,220 10
Colorado	8	961.36	11,221 60
Total	78	10,750.24	146,999 25

Cash sales of coal lands by fiscal years to June 30, 1880.

States and Territories.	1866.			1867.			1868.		
	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.
California	2	240.00	$4,800 00	1	160.00	$3,200 00	1	160.00	$3,200 00
Oregon									
Utah									
Washington									
Wyoming									
New Mexico									
Colorado									
Total	2	240.00	4,800 00	1	160.00	3,200 00	1	160.00	3,200 00

***Cash sales of coal lands by fiscal years to June 30, 1880*—Continued.**

States and Territories.	1869.			1870.			1871.		
	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.
California	4	200.00	$4,000 00	1	160.00	$3,200 00	2	274.79	$3,772 75
Oregon									
Utah									
Washington									
Wyoming									
New Mexico									
Colorado									
Total	4	200.00	4,000 00	1	160.00	3,200 00	2	274.79	3,772 75

States and Territories.	1872.			1873.			1874.		
	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.
California									
Oregon							1	160.00	$1,600 00
Utah									
Washington							3	484.00	4,848 30
Wyoming									
New Mexico									
Colorado									
Total							4	644.00	6,448 30

States and Territories.	1875.			1876.			1877.		
	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.
California	1	160.00	$1,600 00	2	400.00	$4,000 00	4	440.00	$5,200 00
Oregon	1	25.18	251 80						
Utah	4	576.76	7,535 20	1	122.40	1,224 00	4	480.00	4,800 00
Washington	10	1,399.77	13,997 70	3	480.00	6,400 00	3	400.00	4,000 00
Wyoming	3	440.00	8,800 00	2	760.00	15,200 00	1	155.00	3,100 00
New Mexico									
Colorado							1	80.00	1,600 00
Total	19	2,601.71	32,184 70	8	1,762.40	26,824 00	13	1,555.00	18,700 00

States and Territories.	1878.			1879.			1880.		
	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.	Entries.	Acres.	Amount.
California									
Oregon									
Utah	1	160.00	$3,200 00				3	476.48	$4,764 80
Washington	1	40.00	800 00				6	758.15	15,063 00
Wyoming									
New Mexico							5	721.35	7,220 10
Colorado				2	200.80	$2,416 00	5	680.56	7,205 60
Total	2	200.00	4,000 00	2	200.80	2,416 00	19	2,631.54	34,253 50

CHAPTER XXIV.

DONATION ACTS.

TERRITORY OF EAST FLORIDA, OREGON TERRITORY, WASHINGTON TERRITORY, AND TERRITORY OF NEW MEXICO.

August 4, 1842, in view of Indian difficulties therein, in "An act for the armed occupation and settlement of the unsettled part of the peninsula of East Florida," Congress provided "that any person being the head of a family, or a single man over eighteen years of age," able to bear arms, who had made or should "within one year from and after the passage of this act make an actual settlement within," a certain portion of the peninsula, should be entitled to one-quarter section of land for which he should receive a permit. The whole donation was limited to 200,000 acres of land.

This was the first of the donation acts to induce settlements on the public domain in dangerous or distant portions of the nation.

By an amendatory act of the 15th of June, 1844, settlers might erect their dwellings and reside upon other than the quarter section described in their permit, provided the lands upon which they erected their habitation should be paid for; and authority was given to certain settlers to perfect their title to the quarter sections described in their permits, by paying for the same. And by an act approved July 1, 1848, all persons to whom permits were granted, and who made settlement without having voluntarily relinquished and abandoned the same, but continued to reside south of the line specified in the act of 1842, were declared entitled "to a grant and patent for the land so occupied or settled by him, the same as if all the conditions and stipulations of said acts * * * had been fully and strictly complied with."

This act also provided for an agent to take testimony, and required him, within five months from the commencement of his duties, to transmit all proofs and report his opinion to the Commissioner of the General Land Office for decision. Accordingly, Hugh Archer, esq., of Florida, was appointed agent on the 18th of August, 1848.

His duties commenced on the 12th of October, 1848, and terminated on the 12th of March, 1849. By a clause in the general appropriation act of June 3, 1849, the provisions of the act of July 1, 1848, were extended until the 1st of October, 1849.

There were no entries made under the act of August 4, 1842, but it was amended after 1843. This act resulted in the patenting of 1,317 claims, as follows:

Number of entries made under the armed-occupation act of August 4, 1842, with the approximate acreage, and number of entries made in each land district in Florida.

Districts.	Year.	Number of entries.	Approximate acreage.
			Acres.
Saint Augustine	1842	10	1,600
Do	1843	358	57,280
Newnansville	1842	33	5,280
Do	1843	916	146,560
Total	....	1,317	210,720

OREGON DONATION ACT.

The next donation act was passed for Oregon Territory September 27, 1850. The act provided for making surveys and donations of public lands in Oregon, and related to two classes of settlers. It granted to the first class of actual settlers of the public lands there, who were such prior to the 1st September, 1850, a donation of the quantity of a half section, or 320 acres, if a single man; and if married, the quantity of an entire section, or 640 acres, one half to the husband and the other to the wife in her own right; and to the second class, who were or should become settlers between the 1st December, 1850, and the 1st December, 1853, it granted the quantity of a quarter section, 160 acres, to a single man; and if married, the quantity of a half section, or 320 acres; one-half to the husband and the other to the wife, in her own right.

The first class of beneficiaries embraced white settlers or occupants, American half-breed Indians included, above the age of eighteen years, who were citizens of the United States residing in that Territory, and those not being citizens who should make their declaration of intention to become such on or before the 1st December, 1851.

The second class embraced white male citizens of the United States above the age of twenty-one years, or persons who had made a declaration of intention to become citizens, emigrating and settling in that Territory between the 1st December, 1850, and 1st December, 1853.

The act of February 14, 1853, extended this time to December 1, 1855. Emigrants becoming married within one year after arriving in the Territory, or within one year after becoming twenty-one years of age, were entitled to the advantages accorded to married men. Residence on and cultivation of the land for four consecutive years was necessary to insure a patent from the Government. Mineral lands were excluded from being located under the act.

The act of February 14, 1853, amendatory of the said act of 1850, provided that in lieu of the term of four years' continued occupation after settlement, required by said act, claimants should be permitted, after two years' continuous residence and occupation, to pay for their lands at the rate of $1.25 per acre, and subsequent legislation still further reduced this time to one year. The act expired by limitation December 1, 1855. It resulted as follows:

Number of donation certificates issued in Oregon, under the act of September 27, 1850, and supplemental legislation (9 Stats., p. 496)	7,317
Number of acres of land covered thereby	2,563,757.02

WASHINGTON TERRITORY DONATION ACT.

By the act of March 2, 1853, establishing the Territorial government of Washington, part of the then Territory of Oregon was detached and constituted the Territory of Washington, and by the sixth section of the act of July 17, 1854, all the provisions of the donation law were extended to the latter Territory. The act expired December 1, 1855. The following statement shows the entries under the same:

Number of donation certificates in Washington Territory, under act of March 2, 1853, and supplemental legislation (10 Stats., p. 172)	985
Number of acres of land covered thereby	290,215.35

The year when the donees entered their respective claims, under the various acts of Congress, in Oregon and Washington Territory cannot be determined in the General Land Office, as some of the notifications are dated and some are not. These entries should all have been made as directed by the sixth section of said act of September 27, 1850, amended by the third section of the act of July 17, 1854 (10 Stats., p. 305). Those who failed to file their notifications as required by law, were relieved by the act of June 25, 1864 (13 Stats., p. 184).

NEW MEXICO TERRITORY DONATION ACT.

Congress, July 22, 1854, in the "act to establish the offices of surveyors-general of New Mexico, Kansas, and Nebraska," provided in the second section for a grant of 160

acres of land to every white male citizen of the United States, or who had declared his intention to become such, above the age of twenty-one years, who was residing in the Territory of New Mexico prior to January 1, 1853, and at the date of the passage of the act of July 22, 1854. The same grant was made to the same classes of persons who removed or should remove to said Territory between January 1, 1853, and January 1, 1858. The applications were filed with the surveyor general, and afterward in the district land office. Actual settlement and cultivation for four years were made conditions of this grant, except where the grantee desire to pay cash, at $1.25 per acre, which was permitted under the seventh section of the act. This law is still in force.

The following table shows entries by the year under this act:

New Mexico donations, under the act of July 22, 1854 (10 *Stat.*, 308) *reported to the General Land Office up to June* 30, 1880.

Year when notification was filed.	No. of certificate.	Area.
		Acres.
1870	7	1,120.00
1873	29	4,519.15
1874	6	960.00
1876	7	1,120.00
1877	18	1,520.00
1880	68	10,865.84
Total	135	20,104.99

CHAPTER XXV.

TOWN-SITE AND COUNTY-SEAT ACTS.

Under the town-site acts there have been located on the public domain 420 towns, with an acreage of 144,131.23 acres.

Under the county-seat act eight counties have secured a total of 886.68 acres.

The benefit of the town-lot act has been taken by six towns, and a total of 649 blocks located thereunder, or 3,840 acres.

Under the law authorizing the President to reserve town sites, but one town has been reserved—the town of Sault Ste. Marie, Mich., containing 59 acres—which was confirmed by the act of September 26, 1850. Under all acts, 148,916.91 acres.

TOWN SITES—THE FIRST ACTS.

The acts of Congress of June 13, 1812, and May 26, 1824, and subsequent laws, confirmed to the inhabitants of certain towns and villages in the Territory of Missouri, their holdings, which they had inhabited, cultivated, or possessed prior to December 20, 1803. This rule as established was uniformly followed in the approval of town holdings in the portions of the Nation which were acquired by purchase or annexations

TOWN-SITE LAWS.

The laws of the United States providing for the reservation and sale of town sites on the public lands are found in Title 32, Chapter VIII, of the Revised Statutes of the United States, sections 2380 to 2390, inclusive.

These laws are very liberal in their provisions, and contemplate not only the entry of land already settled upon for purposes of trade, for the benefit of the citizens of the town, but provide for the selection and reservation of land, whether surveyed or unsurveyed, for town sites "on the shores of harbors, at the junction of rivers, important portages, or natural or prospective centers of population," in advance of the settlement thereof, or of the surrounding country.

In the pre-emption law of 1841 (sec. 10, 5 Stats., p. 455, and sec. 2258 R. S.), the following classes of lands were reserved from pre-emption settlement and entry, viz: 1st. "Lands included within the limits of any incorporated town, or selected, as the site of a city or town"; and 2d. "Lands actually settled and occupied for purposes of trade and business, and not for agriculture."

The same provisions apply to lands subject to entry under the homestead law. (Act May 20, 1862, 12 Stats., p. 392; sec. 2289 R. S.)

The same reservation is made in direct terms, or by implication, in nearly all the acts of Congress providing for the various classes of scrip. (See cases of Seattle town site; the City of Chicago *vs.* Valentine; Superior City *vs.* Scrip, Secretary's decision, June 23, 1862.)

The objects and benefits to arise from this reservation from settlement and entry on lands within the corporate limits of a town are, to a great extent, set forth in the decision of Mr. Justice Miller, in Root *vs.* Shields. (1 Woolworth, C. C. Reports, 342.)

The act of March 3, 1877, entitled "An act respecting the limits of reservations for town sites upon the public domain", (19 Stats., p. 392), was passed to remedy the evil, in certain cases, of the incorporation by the State or Territorial legislature of a town with limits covering larger areas than the maximum quantity of 2,560 acres.

The law provides three methods of acquiring title to town property:

First. Where the President of the United States has directed the reservation provided for by section 2380, Revised Statutes.

Second. In cases where towns have already been established, or where parties desire to found a town; and

Third. Under section 2387 of the Revised Statutes, the entry of land, settled and occupied as a town site, by the corporate authorities, if the town be incorporated, or, if unincorporated, by the county judge, for the use and benefit of the several occupants.

The manner in which these entries are to be made is fully prescribed by the statute, and need not be mentioned here in detail.

Under the provisions first mentioned, there is no limit prescribed by the law as to the area that shall be disposed of for the benefit of the town or its inhabitants, or of the quantity that may be purchased by any one person.

Under the second method the town is to be surveyed into lots and blocks, and a plat thereof constructed, the exterior limits of which shall not describe an area of exceeding 640 acres.

Under the third method the area that may be entered for the benefit of the town will depend upon the number of the occupants.

Where title is to be acquired under either the first or second method, the patent will issue from the United States directly to the party purchasing or to his assignee. Where an entry has been made under the third method, which is, probably, the least expensive manner of acquiring title, the patent will be issued to the mayor or trustees of the town, if incorporated, or to the judge if not incorporated, who receive the title as trustees for the benefit of the several occupants of the town. This trust is to be executed in accordance with the laws of the State or Territory in which the town is located.

The statutes referred to are the only general laws providing for the establishment and entry of town-sites upon the public domain.

The act of May 26, 1824 (sec. 2286, R. S.), provided for the pre-emption, at the minimum price, of a quarter section of land in each county or parish, respectively, for the establishment of seats of justice therein. Under these provisions several entries for county seats have been made in recent years.

The act of August 11, 1876 (19 Stats., p. 227), providing for the disposal of the Osage ceded lands in Kansas makes special provision for the disposal of lands for town sites and to town companies. But two applications have been presented under this law, namely, the towns of Parsons and Oswego, in the Independence land district.

Besides these, and prior to the enactment of the general laws, many towns upon the public lands had been established by special laws of Congress.

The act of March 3, 1863 (sec. 2380, R. S.), was for increasing the revenue by reservation and sale of town sites on public lands. The President was to reserve by proclamation town sites at points where his judgment might dictate, and the Secretary of the Interior was to cause the same to be surveyed into urban or suburban lots, be appraised, value fixed, and sold at public outcry to highest bidder; after this, to be held for private entry as Secretary should direct. Under this act, the register and receiver directed sales and made returns for the same, and the United States issued patent. (See Report Commissioner General Land Office, 1866.)

Under this act but one town has been established.

Under Sec. 2382 of the Revised Statutes six towns have filed the required plats, and the occupants have made entries as provided by law.

Under the act of 1867 (sec. 2387, R. S.), many of the most flourishing towns in the West have been entered.

List of town sites on the public lands, the date of entry, and area, and the act under which the entries were made, as shown by the town-site docket, General Land Office, to June 30, 1880.

Date of entry.	Town site.	State or Territory.	Area in acres.	Act.
October 25, 1859	Onoeta	Minnesota	320	May 23, 1844.
October 17, 1861	Garnett	Kansas	320	Do.
January 26, 1872	Prescott	Arizona	322.44	March 2, 1867.
September 7, 1859	Ogden	Kansas	160	May 23, 1844.
June 9, 1857	Shelbyville	Minnesota	80	Do.
November 12, 1861	Burlingame	Kansas	320	Do.
April 22, 1858	Charleston	do	191.30	Do.
June 20, 1859	Ashland	do	320	Do.
July 19, 1861	Centralia	do	320	Do.
August 30, 1858	Le Sueur	Minnesota	120	Do.
November 3, 1860	Le Sueur City	do	280	Do.
August 4, 1860	Irving	Kansas	280	Do.
April 11, 1861	Crescent City	California	266.75	Do.
March 2, 1859	Burlington	Kansas	320	Do.
June 24, 1859	Berea	do	240	Do.
November 24, 1860	Belle Prairie	Minnesota	246.40	Do.
January 29, 1858	Prairie City	Kansas	320	Do.
July 20, 1858	do	do	320	Do.
February 25, 1859	Archer	Nebraska	255.97	Do.
December 11, 1856	Ashland	Wisconsin	280.53	Do.
September 16, 1857	Americus	Kansas	320	Do.
May 2, 1857	Black Jack	do	160	Do.
April 30, 1858	Brownville	do	320	Do.
August 12, 1859	Beatrice	Nebraska	320	Do.
April 28, 1858	Bloomington	Kansas	320	Do.
July 12, 1859	Canton	do	160	Do.
July 23, 1858	Cleveland City	Nebraska	289.50	Do.
August 30, 1858	Cincinnati	do	160	Do.
July 1, 1858	Clinton	Kansas	320	Do.
April 21, 1858	De Soto	do	80	Do.
August 9, 1859	Capioma	do	320	Do.
November 29, 1860	Geneva	do	320	Do.
July 20, 1858	do	Nebraska	320	Do.
October 24, 1857	Eldorado	do	320	Do.
November 27, 1860	Eldoro	Kansas	160	Do.
January 24, 1872	Elk City	do	160	March 2, 1867.
April 11, 1859	do	Minnesota	297.03	May 23, 1844.
July 11, 1860	Elizabethtown	Kansas	80	Do.
August 26, 1857	Elk Horn	Nebraska	400	Do.
February 4, 1858	Elk Horn City	do	320	Do.
August 27, 1858	Glen Rock	do	320	Do.
August 18, 1859	Hampton	Kansas	280	Do.
November 23, 1860	Iola	do	320	Do.
July 23, 1858	London	Nebraska	160	Do.
September 12, 1857	Leroy	Kansas	320	Do.
August 15, 1856	Irvington	Iowa	240	Do.
March 19, 1859	Hiawatha	Kansas	320	Do.
June 17, 1858	Georgetown	Colorado	396	March 2, 1867.
August 16, 1858	Falls City	Nebraska	320	May 23, 1844.
September 1, 1860	Saint Joseph	Minnesota	160	Do.
November 15, 1860	Saint Cloud	do	176.77	Do.
May 22, 1858	Salem	Nebraska	200	Do.
October 30, 1860	Maple Lake	Minnesota	197.28	Do.
May 5, 1859	Robinson	Kansas	320	Do.
November 3, 1860	Red Stone	Minnesota	320	Do.
January 11, 1859	Toledo	Kansas	320	Do.
January 19, 1859	Tecumseh	Nebraska	320	Do.
August 11, 1859	Topeka	Kansas	62.60	Do.
August 27, 1858	Table Rock	Nebraska	320	Do.
July 2, 1859	Wilmington	Kansas	320	Do.
June 25, 1858	Waubaunsee	do	297.25	Do.
October 6, 1860	Young America	Minnesota	172.40	Do.
June 22, 1859	Ponca	Nebraska	320	Do.
May 29, 1860	Potosi	Kansas	320	Do.
August 12, 1859	Padonia	do	320	Do.
August 3, 1859	Plymouth	do	320	Do.
May 27, 1858	Palmyra	do	320	Do.
December 14, 1875	Smith Centre	do	160	March 2, 1867.
January 14, 1858	Pleasant View	do	80	May 23, 1844.
September 1, 1858	Pawnee City	Nebraska	160	Do.
June 10, 1857	Paris	Kansas	160	Do.
July 12, 1859	Pottawatomie	do	320	Do.
November 14, 1860	Neosho Falls	do	320	Do.
September 14, 1859	Mound City	do	320	Do.
June 3, 1856	New Ulm	Minnesota	314.40	Do.
June 23, 1858	Nemaha Falls	Nebraska	200.55	Do.
January 13, 1859	Marion	Kansas	320	Do.
June 23, 1858	New Lexington	do	320	Do.

town sites on the public lands, the date of entry, and area, &c.—Continued.

ntry.	Town site.	State or Territory.	Area in acres.	Act.
	Nemaha City	Nebraska	320	May 23, 1844.
	Olathe	Kansas	320	Do.
, 1858	Palmetto	do	320	Do.
60	Fremont City	Minnesota	200	Do.
	Columbus	Nebraska	313. 50	Do.
1860	Arlington	Minnesota	120	Do.
	Ohio City	Kansas	320	Do.
	Mazeppa	Minnesota	320	Do.
	Cannon City	do	284. 80	Do.
8	Decatur	Nebraska	312. 25	Do.
62	Geary City	Kansas	280	Do.
1860	Cold Springs City	Minnesota	320	Do.
0	Niobrara	Nebraska	340. 20	Do.
	North Rock Bluffs	do	309. 30	Do.
58	Tecumseh	Kansas	175	Do.
, 1858	Ashuelot	Iowa	320	Do.
, 1877	Sun City	Kansas	163. 25	March 2, 1867.
7	Saint Clair	Minnesota	320	May 23, 1844.
	Addison	Iowa	240	Do.
856	Traverse	Minnesota	320	Do.
1856	Harrisburg	do	40	Do.
55	Chasea	do	264. 89	Do.
1855	Oronoco	do	320	Do.
5	Minneiska	do	289. 15	Do.
6	Vernon Springs	Iowa	120	Do.
	Wyoming	Nebraska	317. 08	Do.
	Ossawatamie	Kansas	320	Do.
1858	Fontenelle	Nebraska	320	Do.
	Holton	Kansas	344. 28	Do.
	Willow Springs	do	320	Do.
3	Moneka	do	320	Do.
	Eureka	California	120	Do.
56.	Forest City	Iowa	240	Do.
58	Lexington	Kansas	320	Do.
	Areata, or Union	California	120	Do.
	Sumner	Kansas	285. 50	Do.
7	Omaha	Nebraska	298. 20	Do.
	Central City	Colorado	629. 28	March 2, 1867.
	Black Hawk	do	400	Do.
	Lehi	Utah	1, 280	Do.
	Monticello	Minnesota	267. 72	May 23, 1844.
	Moritzious	do	268. 48	Do.
1858	Kanosha	Nebraska	304. 20	Do.
1861	Granada	Kansas	160	Do.
	Middle Superior	Wisconsin	53. 50	Do.
57	Stanton	Kansas	134. 38	Do.
57	Greeley	do	320	Do.
	Twin Mounds	do	160	Do.
1862	Jacksonville	Oregon	114. 69	Do.
	Walla Walla	Washington	40	Do.
	Lafayette	Oregon	163. 46	Do.
55	Red Bluff	California	297. 38	Do.
	Dalles	Oregon	38	Do.
64	Golden City	Colorado	320	Do.
69	Knight's Landing	California	208. 61	March 2, 1867.
	Guadalupe	Colorado	160	Do.
	Salina	Kansas	320	May 23, 1844.
5	Winona	Minnesota	217. 40	Do.
3	Unionville	Nevada	80	March 2, 1867.
1874	Pioche	do	400	Do.
	Denver	Colorado	960	May 28, 1864 (special act).
34	Branciforte	California	320	May 23, 1844.
1873	Phœnix	Arizona	320	March 2, 1867.
39	Clay Centre	Kansas	320	Do.
	Dodge City	do	87	Do.
	Empire City	Nevada	480	Do.
	Carson City	do	320	May 23, 1844.
	Arizona City, or Yuma	Arizona	1, 208. 37	March 2, 1867.
	La Plata	California	120	May 23, 1844.
	Genoa	Nevada	320	Do.
869	Silver City	do	332	March 2, 1867.
	Green City	Colorado	80	Do.
873	Jenny Lind	California	40	Do.
873.	Republic	Kansas	160	Do.
	Belmont	Nevada	160	Do.
69	Nevada City	California	644. 68	Do.
872	Tularosa	New Mexico	320	Do.
876.	Palomas	do	733. 07	Do.
	Silver City	do	639. 60	Do.

List of town sites on the public lands, the date of entry, and area, &c.—Continued.

Date of entry.	Town site.	State or Territory.	Area in acres.	Act.
May 15, 1868	Mendocino	California	70.70	March 2, 1867.
July 19, 1869	Deer Lodge	Montana	238.40	Do.
October 11, 1869	Auburn (first entry)	California	640	Do.
May 27, 1871	Trinidad	do	111.09	Do.
December 26, 1873	San Mateo	do	600.70	Do.
August 10, 1873	Mount Vernon	Colorado	160	Do.
August 27, 1873	Walsenburg	do	320	Do.
January 19, 1869	Pueblo	do	320	Do.
June 19, 1873	Sonora	California	600	Do.
May 6, 1872	Wellington	Kansas	320	Do.
October 7, 1869	Baxter Springs	do	160	Do.
March 2, 1869	Helena	Montana	1,880	Do.
November 21, 1871	Salt Lake City	Utah	5,730.45	Do.
June 4, 1864	Rockville	Minnesota	400	May 23, 1844.
March 23, 1870	Bozeman	Montana	40	March 2, 1867.
July 10, 1872	Radersburg	do	40	Do.
July 10, 1871	Winfield	Kansas	160	Do.
July 20, 1871	Arkansas City	do	480	Do.
July 26, 1872	Malvern	do	480	Do.
December 18, 1874	Sebastopol	California	121.45	Do.
March 28, 1871	Missoula	Montana	40	Do.
April 11, 1872	Green City	Kansas	640	Do.
July 13, 1874	Loma	Colorado	160	Do.
January 13, 1868	Boisé City	Idaho	442	Do.
April 4, 1878	Coalville	Utah	720	Do.
June 5, 1869	Nephi City	do	1,280	Do.
October 9, 1869	Brigham City	do	1,000	Do.
May 1, 1871	Tooele City	do	1,280	Do.
May 10, 1871	Hyrum City	do	640	Do.
May 10, 1871	Richmond City	do	840	Do.
	Kaysville	do	....	Do.
May 21, 1869	Provo City	do	1,600	Do.
November 4, 1870	Fillmore City	do	1,120	Do.
June 7, 1872	Independence	Kansas	520	Do.
February 10, 1873	Del Norte	Colorado	320	Do.
December 31, 1870	Beaver City	Utah	1,280	Do.
February 24, 1872	Adamsville	do	320	Do.
July 26, 1877	Portage	do	160	Do.
August 1, 1872	Spanish Fork City	do	840.91	Do.
June 5, 1869	Ephraim City	do	640	Do.
April 10, 1871	Saint George City	do	1,285.26	Do.
June 7, 1869	Levan	do	240	Do
April 15, 1871	Cedar City	do	320	Do.
June 4, 1869	Payson City	do	840	Do.
June 4, 1869	Moroni	do	360	Do.
May 19, 1869	Alpine City	do	480	Do.
June 5, 1869	Mona	do	160	Do.
May 31, 1869	Centerville	do	640	Do.
May 31, 1869	Bountiful	do	1,280	Do.
March 7, 1869	Farmington	do	320	Do.
August 12, 1870	South Park City	Colorado	320	Do.
May 29, 1871	American Fork City	Utah	1,020	Do.
July 9, 1872	Tucson	Arizona	1,280	Do.
September 28, 1876	Safford	do	160	Do.
January 18, 1869	Grass Valley	California	360	Do.
April 1, 1872	South Grass Valley	do	160	Do.
May 30, 1872	Pescadero	do	87.80	Do.
July 12, 1869	Dayton	Nevada	720	Do.
June 21, 1879	Stevensville	Montana	40	Do.
November 25, 1870	Colfax	California	160	Do.
May 20, 1869	Springville	Utah	800.42	Do.
June 22, 1871	Coffeyville	Kansas	231.23	Do.
July 2, 1872	Springville	Montana	80	Do.
December 14, 1871	King City	Kansas	160	Do.
June 2, 1869	Santaquin	Utah	480	Do.
June 2, 1869	Cedar Fort	do	599.40	Do.
September 18, 1869	Fairfield	do	440	Do.
April 28, 1873	Phillipsburg	Kansas	160	Do.
March 8, 1872	Clarksville	California	40	Do.
February 13, 1873	Angels	do	160	Do.
June 28, 1870	Shasta	do	540	Do.
May 20, 1872	Susanville	do	200	Do.
November 10, 1870	Ophir	do	120	Do.
June 1, 1871	Lancha Plana	do	160	Do.
April 8, 1873	Hornitas	do	640	Do.
November 18, 1871	San Rafael	do	165.19	Do.
December 16, 1877	Auburn (second entry)	do	200	Do.
March 4, 1872	San Juan	do	303.56	Do.
February 13, 1873	Altaville	do	400	Do.
July 7, 1871	Placerville	do	1,160	Do.

of town sites on the public lands, the date of entry, area, &c.—Continued.

ntry.	Town site.	State or Territory.	Area in acres.	Act.
	Oroville	California	281.60	March 2, 1867.
870	Lakeport	do	143.09	Do.
, 1870	Kelsey	do	160	Do.
871	San Luis Obispo	do	552.65	Do.
, 1874	Jamestown	do	640	Do.
	Rough and Ready	do	314	Do.
	Yreka	do	511	Do.
, 1874	Cheyenne	Wyoming	637.47	Do.
, 1872	Winnemucca	Nevada	200	Do.
	Panoca	do	360	Do.
1872	Corinne	Utah	168	Do.
	Jackson	California	600	Do.
	Pine Grove	do	80	Do.
	Fiddletown	do	160	Do.
	Drytown	do	80	Do.
	Volcano	do	80	Do.
	El Dorado	do	440	Do.
	Diamond Springs	do	203.29	Do.
	Camp Seco	do	160	Do.
	Dutch Flat	do	136.79	Do.
1873	Mokelumne Hill	do	591.84	Do.
72	San Andreas	do	640	Do.
	Pleasant Grove	Utah	640	Do.
	North Ogden	do	640	Do.
	Plain City	do	800	Do.
	Ogden	do	2,480	Do.
	Fountain Green	do	319.78	Do.
	Spring City	do	440	Do.
	Fair View	do	320	Do.
1869	Mount Pleasant	do	1,279.84	Do.
	Willard City	do	582.40	Do.
	Midway	do	120	Do.
	Heber City	do	480.54	Do.
	Walesburg	do	40	Do.
70	Greenville	do	280	Do.
70	Minersville	do	160	Do.
1870	Holden	do	120	Do.
1870	Oak City	do	160.13	Do.
	Smithfield	do	800	Do.
1871	Ophir City	do	75.68	Do.
872	Lincoln Centre	Kansas	160	Do.
1872	Great Bend	do	640	Do.
1874	Columbia	California	640	Do.
	Lewiston	Idaho	561.21	Do.
	Wellsville	Utah	1,160	Do.
	Millville	do	440	Do.
	Providence	do	640	Do.
	Hyde Park	do	640	Do.
	Manti	do	1,280	Do.
	Logan City	do	2,521.50	Do.
	Kanara	do	200	Do.
	Toqueville	do	240	Do.
	New Harmony	do	120	Do.
	Mendon City	do	480	Do.
	Fayette	do	321.62	Do.
	Rockport	do	120	Do.
872	Summit	do	80	Do.
872	Paragonah	do	200	Do.
871	Parowan	do	320	Do.
1872	Harrisburg	do	120	Do.
1872	Washington	do	160	Do.
872	Peoa	do	280	Do.
875	Silver City	Montana	40	Do.
3	Arapahoe	Nebraska	320	Do.
1871	Oxford	Kansas	320	Do.
1873	Jewell City	do	160	Do.
	Neodesha	do	240	Do.
71	Elk Falls	do	320	Do.
	Howard City	do	366.24	Do.
	Camanche	California	40	Do.
872	Copperopolis	do	278.40	Do.
872	El Dorado	do	120	Do.
873	Coloma	do	400	Do.
873	Shingle Springs	do	40	Do.
, 1872	Greenville	do	160	Do.
1873	Greenwood	do	160	Do.
	Georgetown	do	240	Do.
	Draperville	Utah	280	Do.
	Wales	do	320	Do.
	Randolph	do	80	Do.

List of town sites on the public lands, the date of entry, and area, &c.—Continued.

Date of entry.	Town site.	State or Territory.	Area in acres.	Act.
July 8, 1872	Goshen	Utah	160	March 2, 1867.
July 6, 1872	Ithica	do	160	Do.
July 9, 1872	Huntsville	do	80	Do.
July 12, 1872	Bear River City	do	339. 50	Do.
March 12, 1873	Morgan City	do	880	Do.
January 21, 1873	West Wichita	Kansas	144	Do.
April 15, 1877	Parker City	do	200	Do.
February 23, 1876	Jewell Centre	do	160	Do.
July 22, 1873	Caldwell	do	116. 23	Do.
June 28, 1873	Medicine Lodge	do	160	Do.
February 26, 1874	Elgin	do	137	Do.
August 20, 1873	Belle Plain	do	319. 99	Do.
November 11, 1873	Kirwin	do	640	Do.
November 21, 1873	Larned	do	160	Do.
March 22, 1873	Woodbridge	California	72	Do.
April 23, 1873	Chinese Camp	do	160	Do.
April 28, 1873	Point Arena	do	240	Do.
July 10, 1873	Windsor	do	160	Do.
February 11, 1874	Springfield	do	120	Do.
July 1, 1874	Amador City	do	190. 07	Do.
July 1, 1874	Sutter Creek	do	908. 31	Do.
April 10, 1873	Taylorsville	do	160	Do.
July 14, 1873	Quincy	do	160	Do.
September 19, 1874	French Corral	do	480	Do.
August 1, 1873	Idaho Springs	Colorado	105. 43	Do.
April 16, 1877	Trinidad	do	280	Do.
January 25, 1877	Ouray	do	300	Do.
January 2, 1880	Silver Cliff	do	320	Do.
July 13, 1872	Honeyville	Utah	319. 98	Do.
June 24, 1873	Milton	do	80	Do.
June 24, 1873	Richville	do	160	Do.
June 24, 1873	Peterson	do	206. 13	Do.
June 24, 1873	Enterprise	do	280	Do.
June 24, 1873	Porterville	do	160	Do.
April 9, 1873	Scipio	do	160	Do.
June 24, 1873	Croyden	do	320	Do.
May 26, 1873	Salem	do	640	Do.
February 17, 1874	Richfield	do	540	Do.
September 12, 1876	Bismarck	Dakota	240	Do.
December 11, 1875	Osborne	Kansas	80	Do.
January 12, 1875	McPherson	do	320	Do.
April 16, 1874	Coffeyville	do	409. 18	Do.
June 4, 1873 July 12, 1877	Concordia (2 entries)	do	515. 15	Do.
December 27, 1871	North Peabody	do	320	Do.
January 13, 1875	North San Juan	California	400. 97	Do.
January 13, 1872	Sebastapol	do	240	Do.
February 3, 1875	Cherokee	do	78. 47	Do.
March 9, 1875	North Bloomfield	do	40	Do.
November 11, 1875	San Juan Capistrano	do	567	Do.
December 13, 1875	Vallicito	do	109. 30	Do.
December 15, 1875	Murphy	do	640	Do.
April 25, 1876	Phillipsburg	Montana	35. 65	Do.
July 28, 1876	Fort Benton	do	185. 69	Do.
February 22, 1876	Weaverville	California	516. 94	Do.
September 9, 1876	Smartsville	do	165	Do.
April 13, 1877	Bridgeport	do	160	Do.
October 13, 1876	Camptonville	do	160	Do.
January 27, 1877	Confidence	do	189. 23	Do.
October 15, 1875	Lake City	Colorado	260	Do.
April 7, 1876	Silverton	do	320	Do.
November 10, 1871	Heneferville	Utah	240	Do.
October 31, 1879	Schellbourne	Nevada	160	Do.
July 25, 1876	Butte	Montana	183. 83	Do.
June 30, 1877	Tybo	Nevada	120	Do.
October 23, 1877	Poney	Montana	120	Do.
October 6, 1879	Corvallis	do	40	Do.
June 28, 1876	Franklin	Idaho	640	Do.
June 22, 1876	Malad City	do	280	Do.
June 17, 1879	Oxford	do	200	Do.
April 9, 1880	Tombstone	Arizona	320	Do.
May 12, 1877	Gaylord	Kansas	80	Do.
June 12, 1878	Anthony	do	320	Do.
January 30, 1880	Stockton	do	320	Do.
July 14, 1877	La Grange	California	50	Do.
December 11, 1878	West Point	do	120	Do.
August 26, 1879	Goodyear's Bar	do	80	Do.
November 5, 1879	Sheep Ranch	do	137. 59	Do.
December 5, 1877	Coulterville	do	225. 63	Do.
March 4, 1880	Strawberry Valley	do	320	Do.

List of town sites on the public lands, the date of entry, and area, &c.—Continued.

Date of entry.	Town site.	State or Territory.	Area in acres.	Act.
March 6, 1879	Glenwood	Utah	520	March 2, 1867.
March 1, 1879	Monroe	...do	560	Do.
October 16, 1879	Glendale	...do	120	Do.
October 16, 1879	Rockville	...do	320	Do.
October 16, 1879	Virgin City	...do	200	Do.
October 16, 1879	Grafton	...do	80	Do.
October 16, 1879	Kanab	...do	640	Do.
October 16, 1879	Mount Carmel	...do	40	Do.
October 16, 1879	Duncan's Retreat	...do	120	Do.
March 22, 1876	Rosita	Colorado	360	Do.
October 7, 1869	Virginia City	Montana	569.72	Do.
November 30, 1860	Saint Lawrence	Minnesota	166.40	May 23, 1844.
December 22, 1856	Saint Charles	...do	120	Do.
October 20, 1855	Rome	...do	284.50	Do.
July 10, 1874	Vancouver	Washington	129.20	March 2, 1867.

COUNTY SEATS.

The act of May 26, 1824 (see sec. 2286, R. S.), authorizes the pre-emption of quarter sections of public land, at $1.25 per acre, for the establishment of seats of justice (court-houses) in counties.

Date of entry.	County.	State or Territory.	Area in acres.	Act.
October 7, 1854	Green County	Iowa	160	May 26, 1824.
January 10, 1857	Sibley County	Minnesota	160	Do.
June 26, 1863	Polk County	Oregon	160	Do.
September 15, 1871	Merrick County	Nebraska	80	Do.
October 26, 1872	Hamilton County	...do	160	Do.
April 3, 1878	San Juan County	Washington	153.45	Do.
July 30, 1857	Washington County	Oregon	33.23	Do.

ACT AUTHORIZING THE PRESIDENT TO RESERVE—SEC. 2380, R. S.

Town site.	State or Territory.	Act.
Port Angeles	Washington	March 3, 1863.

TOWN LOT ACT—SEC. 2382, R. S.

Town.	State or Territory.	No. of lots.	Act.
Petaluma	California		July 1, 1864.
Virginia City	Nevada	251 blocks.	Do.
Gold Hill	...do	179 blocks.	Do.
Le Grand	Oregon	107	Do.
Baker City	...do	80	Do.
Sparta	...do	32	Do.

CHAPTER XXVI.

MINES ON THE PUBLIC DOMAIN.

PRECIOUS METALS AND OTHER VALUABLE DEPOSITS.

The precious-metal bearing States and Territories of the public domain are California, Colorado, Oregon, Nevada, Idaho, Montana, Wyoming, Utah, New Mexico, Arizona, Dakota, and Washington.

Lead and copper lands in Arkansas, Missouri, Iowa, Michigan, Minnesota, and Wisconsin were sold under special mining laws, the mineral being conveyed with the soil, and are included in cash entries.

Under the acts of 1866 and 1872, and the placer act, there have been patented to June 30, 1880, 3,978 lode or vein claims, containing 38,435.11 acres, at $5 per acre, realizing $197,778, and 1,303 placer claims, containing 110,186.03 acres, at $2.50 per acre, realizing $288,767; total, 5,281 claims, containing 148,621.14 acres, and realizing $486,545.

MINERAL RESERVATIONS IN NORTHWEST TERRITORY.

In the ordinance of May 20, 1785, for the disposal of lands in the "Western Territory," it is ordered that there shall be reserved "one-third part of all gold, silver, lead, and copper mines, to be sold, or otherwise disposed of as Congress shall hereafter direct," the deed to be given by the Commissioners of the Loan Office, with a clause of reservation in the words of the act.

The mineral resources of the country at that time were but little known. Our present Western precious metal regions, and the base-metal belt of the Mississippi, were almost entirely within the domain of France and Spain. The copper regions of Lake Superior had just come into possession of the United States by the definitive treaty of peace with Great Britain. Some gold and lead had been found in the Southern colonies—now States—but not on public domain, and economic minerals were but little known or used. The reserving clause in the ordinance of 1785 suggests the reservations as to minerals, by way of royalty or sovereign dues, in some of the crown charters for colonization in America, and further shows the existing doubt as to the policy of the Government in relation to holding, leasing, or selling mines and mineral lands.

CONGRESSIONAL ACTION.

By resolution of April 16, 1800, Congress authorized the President to employ an agent to collect material information relative to the copper mines on the south side of Lake Superior. This contained a clause "and to ascertain whether the Indian title to such lands as might be required for the use of the United States in case they should deem it expedient to work the said mines, had been extinguished." Thus Congress at this period seems to have had in mind the direct working and control of mines by the United States.

March 3, 1807, Congress, by section 5 of an act for the sale of certain lands now in Ohio and Indiana, provided that lead mines in Indiana, with as many contiguous sec-

tions of land to each as the President might deem necessary, should be reserved for future disposal by the United States; and—

Any grant which may hereafter be made for a tract of land containing a lead mine which has been discovered previous to the purchase of such tract from the United States shall be considered fraudulent and null; and the President of the United States shall be, and is hereby, authorized to lease any lead mine which has been or may hereafter be discovered in the Indiana Territory, for a term not exceeding five years.

This inaugurated the policy of the United States of leasing mineral lands.

It will be noted that this reserving clause contained a proviso for reserving lands for mine easements. These reserved adjacent sections were afterwards used by the lessees for dumpage-grounds, and the timber thereupon used for smelting. The leases provided for this.

Congress, March 25, 1816, in an act relating to settlers on the public lands of the United States, provided—

That in all cases where the tract of land applied for includes either a lead mine or salt spring, no permission to work the same shall be granted without the approbation of the President of the United States.

This provision of law was continued by two separate acts until March 3, 1819.

The House of Representatives, February 8, 1823, by resolution, asked for information in regard to the mining regions of the West. The President in reply transmitted such information as he at that time had (see Ex. Doc. 128, first session Eighteenth Congress). This Congressional inquiry and the reply related to lands containing base metal and iron.

By act of March 3, 1829, Congress conferred authority on the President to expose to sale as other public lands "the reserved lead mines and contiguous lands in the State of Missouri," with this qualification, that at least six months' public notice should be given, "with a brief description of the mineral region in Missouri and the lands to be offered for sale, showing the number and the localities of the different mines (then) known, the probability of discovering others, the quality of the ore, the facilities for working it, the further facilities, if any, for manufactures of shot, sheet lead, and paints, and the means and expense of transporting the whole to the principal markets of the United States."

February 6, 1839, the House of Representatives—

Resolved, That the President be requested to cause to be prepared a plan for disposal of the public mineral lands, having reference as well to the amount of revenue to be derived from them, and their value as public property, as to the equitable claims of individuals upon them; and that he communicate to Congress all the information in the possession of the Treasury Department relative to their location, value, productiveness, and occupancy, and that he cause such further information to be collected and surveys to be made as may be necessary for this purpose.

Dr. David Dale Owen explored the Territories of Iowa and Wisconsin, by order of the President, under this resolution. (See report Dr. Owen, Ex. Doc. No. 239, First session Twenty-sixth Congress.)

In the pre-emption act September 4, 1841, section 10 provided that "No lands on which are situated any known salines or mines shall be liable to entry under and by virtue of the provisions of this act."

In United States *v.* Gear (3 How., 120), the Supreme Court of the United States, 1845, held that the act of June 26, 1834, did not subject lead mines to ordinary sale or pre-emption in certain districts thereby created.

EXECUTIVE ACTION AS TO MINES.

President Polk, December 2, 1845, in his first annual message said:

The present system of managing the mineral lands of the United States is believed to be radically defective. More than a million acres of the public lands, supposed to contain lead and other minerals, have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the Government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the Government and the lessees. According to

the official records, the amount of rents received by the Government for the years 1841, 1842, 1843, and 1844, was $6,354.74, while the expenses of the system during the same period, including salaries of the superintendents, agents, clerks, and incidental expenses, were $26,111.11, the income being less than one-fourth of the expense. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber, and the careless and wastful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region, and involving the Government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the War Department, with the ordinary duties of which they have no proper or natural connection. I recommend the repeal of the present system, and that these lands be placed under the superintendence and management of the General Land Office as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the Government an equitable percentage of the gross amount of mineral product, and that the pre-emption principle be extended to resident miners, and settlers upon them, at the minimum price which may be established by Congress.

April 18, 1876, the Attorney-General of the United States, in an opinion respecting the mineral lands on Isle Royal, Lake Superior, held, that "salines, gold, silver, lead, and copper mines" were reserved for "future disposal of Congress."

CASH SALES OF MINERAL LANDS ORDERED.

By act approved 11th July, 1846, Congress ordered "the reserved lead mines and contiguous lands in the States of Illinois and Arkansas and" then "Territories of Wisconsin and Iowa" to be exposed to sale as other public lands, with the exception: that six months' notice be given, with brief description of the mineral region, as required by the act of 1829 respecting Missouri; stipulating further that such lands should not be subject to pre-emption until after public offering, and subject to private entry; that upon proof to the register and receiver of any tract containing lead ore, and of being so worked, no bid should be received at less than $2.50 per acre, but if not sold at that price, nor entered at private sale within twelve months thereafter, to be subject to sale as other public lands. (See D. D. Owen's survey.)

By an act of 1st March, 1847, Congress ordered the organization of the Lake Superior district in the upper peninsula of Michigan, directed that a geographical examination and survey be made of those lands, and conferred authority on the President for the public sale, after six months' notice, of such land as contained "copper, lead, or other valuable ores," with description of locality of mines, &c., the minimum price at public sale to be $5 per acre, and where not thus disposed of at public auction, to be subject to private sale at that price. (See Foster and Whitney's survey.)

By the act of 3d March, 1847, the Chippewa land district in Wisconsin was organized, a geological examination and survey ordered, and the lands disposed of in like manner to those in the Lake Superior district, in Michigan.

Congress March 3, 1849, created the Department (a "Home Department") of the Interior, and thereafter the supervision of mineral lands was transferred to the General Land Office in that Department.

MINERAL LANDS IN CHARGE OF THE WAR DEPARTMENT.

The acts of July 11, 1846, and March 1 and 3, 1847, made a radical change in the method of disposition of mineral lands on the public domain, abolished leases, and substituted cash sales. The act of 1849 transferred the charge of these lands from the War Department, where they had been since the ordinance of Congress of 1785, to the Department of the Interior.

August 28, 1850, the Attorney-General of the United States held that public lands containing "iron ore merely" are not the "mineral lands" referred to in the second section of the act of March 1, 1847 (act for the sale of copper, lead, or other valuable ores in Lake Superior district).

The act of 26th September, 1850, ordered the mineral lands in the Lake Superior dis-

trict in Michigan, and Chippewa district in Wisconsin, to be offered at public sale in the same manner, at the minimum, and with same rights of pre-emption as other public lands, but not to interfere with leased rights.

THE DISCOVERY OF GOLD IN CALIFORNIA.

The discovery of gold at Coloma, Cal., by John W. Marshall, January 19, 1848, necessitated a change in the mineral laws of the United States. Copper, lead, and iron had prior to this been the minerals for which the laws were made. In the ordinance of 1785 gold and silver were reserved out of abundant caution, but now gold had actually been discovered on the public domain, and legislation was necessary.

EXECUTIVE RECOMMENDATIONS.

President Fillmore, in his annual message of December 2, 1849, said:

I also beg leave to call your attention to the propriety of extending at an early day our system of land laws, with such modifications as may be necessary, over the State of California and the Territories of Utah and New Mexico. The mineral lands of California will, of course, form an exception to any general system which may be adopted. Various methods of disposing of them have been suggested. I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies, but further reflection and our experience in leasing the lead mines and selling lands upon credit have brought my mind to the conclusion that there would be great difficulty in collecting the rents, and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences. I therefore recommend that instead of retaining the mineral lands under the permanent control of the Government, they be divided into small parcels and sold, under such restrictions as to quantity and time as will insure the best price and guard most effectually against combinations of capitalists to obtain monopolies.

December 3, 1849, the Secretary of the Interior, Hon. Thomas Ewing, calling attention of Congress to the discovery of gold in California, said:

The right to the mines of precious metals, which, by the laws of Spain, remained in the Crown, is believed to have been also retained by Mexico while she was sovereign of the territory, and to have passed by her transfer to the United States. It is a right of the sovereign in the soil as perfect as if it had been expressly reserved in the body of the grant; and it will rest with Congress to determine whether, in those cases where lands duly granted contain gold, this right shall be asserted or relinquished. If relinquished, it will require an express law to effect the object, and if retained, legislation will be necessary to provide a mode by which it shall be exercised. For it is to be observed that the regulation permitting the acquisition of a right in the mines by registry or by denouncement was simply a mode of exercising by the sovereign the proprietary right which he had in the treasure as it lay in and was connected with the soil. Consequently, whenever that right was transferred by the transfer of the eminent domain, the mode adopted for its exercise ceased to be legal, for the same reason that the Spanish mode of disposing of the public lands in the first instance ceased to be legal after the transfer of the sovereignty.

Thus it appears that the deposits of gold, wherever found in the Territory, are the property of the United States. Those, however, which are known to exist upon the lands of individuals are of small comparative importance, by far the larger part being upon unclaimed public lands. Still our information respecting them is yet extremely limited; what we know in general is that they are of great extent and extraordinary productiveness, even though rudely wrought.

* * * * * * *

No existing law puts it in the power of the Executive to regulate these mines, or protect them from intrusion. Hence, in addition to our own citizens, thousands of persons, of all nations and languages, flock in and gather gold, which they carry away to enrich themselves, leaving the lands the less in value by what they have abstracted, and they render for it no remuneration, direct or indirect, to the Government or people of the United States. Our laws, so strict in the preservation of public property that they punish our own citizens for cutting timber upon the public lands, ought not to permit strangers, who are not and who never intend to become citizens, to enter at pleasure on these lands, and take from them the gold which constitutes nearly all their value.

Some legal provision is necessary for the protection and disposition of these mines, and it is a matter worthy of much consideration how they should be disposed of so as best to promote the public interest and encourage individual enterprise. In the

division of these lands regard should be had to the convenience of working every part of them containing gold, whether in the alluvion merely or in the fixed rocks. And, that such division may be made in the best manner practicable to promote the general interest and increase the value of the whole, a geological and mineralogical exploration should be connected with the linear surveys, which should be made with the assistance and under the supervision of a skillful engineer of mines.

The mining ordinances of Spain provide a mode of laying out the mines, which applies only to districts where veins of ore occur in the rocks, and where it is to be mined by following the metaliferous dike or stratum in the direction of its dip, and along its line of strike. But the gold which is found in the alluvion in California is continuous over a great extent of country, and it may be wrought upon any lot having surface earth and access to water. This district may be, therefore, divided into small lots, with a narrow front on the margin of the streams, and extending back in the form of a parallelogram. Where gold is found in the rocks *in situ*, the lots to embrace it should be larger, and laid off according to the Spanish method with regard to dip and strike. But so various are the conditions under which the precious metals may be found by a careful geological exploration, that the mode of laying off the ground cannot be safely anticipated, but must be left to the direction, on the spot, of a skillful engineer, whose services will be indispensable.

The division, disposition, and management of these mines will require much detail; but, if placed on a proper footing, they may be made a source of considerable revenue. It is due to the Nation at large that this rich deposit of mineral wealth should be made productive, so as to meet, in process of time, the heavy expense incurred in its acquisition. It is also due to those who become the lessees or purchasers of the mines that they should be furnished by the Government with such scientific aid and directions as may enable them to conduct their operations not only to the advantage of the Treasury, but also with convenience and profit to themselves. This scientific aid cannot be procured by individuals, as our people have little experience in mining, and there is not, in the United States, a school of mines, or any in which mining is taught as a separate science.

If the United States sell the mineral lands for cash, and transfer at once all title to the gold which they contain, but a very small part of their value will probably be realized. It would be better, in my opinion, to transfer them by sale or lease, reserving a part of the gold collected as rent or seignorage.

After mature reflection, I am satisfied that a mint at some convenient point will be advantageous to the miner, and the best medium for the collection and transmission of the gold reserved. Gamboa, a Spanish author of much science and practical observation, and at one time president of the Royal Academy of Mexico, strongly recommended the establishment of a mint in their principal mining district, as a means of collecting and transmitting the rents reserved by the Crown, and especially to give a legitimate currency to the miners, that they might not be compelled from necessity to barter their bullion in violation of law. The same reasons would apply here with equal force.

When the land is properly divided, it will, in my opinion, be best to dispose of it, whether by lease or sale, so as to create an estate to be held only on condition that the gold collected from the mine shall be delivered into the custody of an officer of the branch mint. Out of the gold so deposited, there should be retained for rent and assay, or coinage, a fixed per cent., such as may be deemed reasonable, and the residue passed to the credit of the miner, and paid to him at his option in coin or stamped bullion, or its value in drafts on the Treasury or mint of the United States. The gold in the mine, and after it is gathered, until brought into the mint, should be and remain the property of the United States. The barter, sale, gift, or exportation of any portion of it before it shall have been delivered at the mint, and so coined, or assayed and stamped, or its concealment with intent to avoid the payment of rent or seignorage, should involve a forfeiture of the gold itself, and also of the mine. The terms of lease or sale should be favorable to the miner, and the law should be stringent to enforce the payment of seignor ge and rents.

So far as the surface deposits extend, I am of opinion that leases will, for yet a further reason, be preferable to the sales of lands. If sold, they will pass at once into the hands of large capitalists; if leased, industrious men without capital may become the proprietors, as they can work the mines and pay the rent out of the proceeds. But where gold is found in the rocks in place, the case is different. These must necessarily fall at once into the hands of large capitalists or joint stock companies, as they cannot be wrought without a heavy investment.

Some persons, whose opinions are entitled to much weight, apprehend difficulty in collecting the rents, if the mode of disposition which I suggest be adopted; but this, I think, is without a full consideration of the condition of the country and the means of enforcement. Gold, unless coined or stamped at the mint, could not circulate in California against a legal provision, and subject to a penalty such as is suggested. It could not be carried across the continent without risk of loss or detection, which

would make the value of insurance equal to the rent. In any other direction it must pass the ports of California, and be there liable to detection.

Since the discovery of the mines, gold in California has not ranged higher than $16 per ounce; its actual value is a fraction over $18. The difference between its true value and the highest price at which it has sold, or would probably ever sell, except to houses transacting an open, regular and legal business, is therefore *one-ninth*, being more than half the amount that ought to be reserved as rent or seignorage.

If the penalty suggested above should be provided for an attempted evasion, and the ordinary advantages given to the officer or other person who should detect the fraud, as in case of smuggling, it would not be the interest of any one to become a dealer in the prohibited article at a small profit and great risk; nor would the miner risk a sale at a small advance of price, to be obtained at the hazard of a heavy forfeiture. The absolute security of the lawful business, the safety of the fund when deposited in the Treasury of the United States, and the small profit and great risk of attempted frauds, would be reasonable security against them.

The property of the United States in the mines of quicksilver, derived from Spain through Mexico, with the eminent domain, is, as I have shown, the same as that to the gold, already considered. Indeed, the laws of Spain asserted more sternly and guarded more strictly the rights of the Crown to that metal than to gold and silver. This arose from the scarcity of quicksilver, it being found in sufficient quantities to be worth mining in but few known places on the globe; while its necessary use in separating silver from its matrix, makes it an essential ingredient in silver mining operations.

CONGRESSIONAL ACTION AS TO THE PRECIOUS METALS ON THE PACIFIC SLOPE.

Congress, in the act of 27th September, 1850, creating the office of surveyor-general of Oregon, and providing for surveys and making donations to settlers, directs that "no mineral lands, nor lands reserved for salines, shall be liable to any claim under and by virtue of the provisions" of that act. This embraces the present Washington Territory. Then, in the 14th article of the treaty with Peru, concluded on 26th July, 1851, it is agreed upon that "Peruvian citizens shall enjoy the same privileges in frequenting the mines, and in digging or working for gold upon the public lands situated in the State of California, as are or may hereafter be accorded by the United States of America to the citizens or subjects of the most friendly nations."

Subsequently Congress, in providing by the act of 3d March, 1853, "for the survey of public lands in California, the granting pre-emption rights therein, and for other purposes," directed that "none other than township lines shall be surveyed where the lands are mineral or are deemed unfit for cultivation;" excluding in express terms "mineral lands" from the pre-emption act of 4th September, 1841, and further interdicting "any person" from obtaining "the benefits of this act by a settlement or location on mineral lands."

By the fourth section of the act of 22d July, 1854, to establish "the offices of surveyors-general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," it is directed that "none of the provisions of that act shall extend to mineral or school lands, salines, military or other reservations, or lands settled on and occupied for purposes of trade and commerce and not agriculture."

The Attorney-General's opinion of February 14, 1860, states that Congress had not then made any provision concerning mineral lands in California, except reserving from pre-emption and donation.

The act of July 4, 1866, giving authority for varying surveys in Nevada from "rectangular form to suit the circumstances of the country," reserves from sale "in all cases lands valuable for mines of gold, silver, quicksilver, or copper."

LOCAL MINING LAWS IN CALIFORNIA.

From the discovery of rich gold fields in California, January 19, 1848, to July 26, 1866, there was no mining law of the United States relating to the precious metals on the public domain other than those above set out; and the mineral lands of the United States, copper, lead, &c., had all been disposed of, under the above laws,

in blocks conforming to legal subdivisions of the surveys, the soil carrying with it the minerals.

In California the Spanish and Mexican law and miners' usage were the law. The fee of the land was in the United States, but the occupancy or equitable title was recognized by Congress, by resolution of February 27, 1865, which first called attention thereto.

Local usage and regulations governed mining camps and towns and regulated the size and conditions of working mining claims. These regulations first applied to placer mining, and afterwards extended over and included quartz claims. The rush of emigrants to California after Marshall's discovery was first from Oregon, Mexico, and the Sandwich Islands. Then followed the emigrants from the older States of the Union. The Mexican miner and Georgia gold-washer joined hands, and local usage, consent, and mutual agreement made law.

In 1847 the population of California was estimated at 15,000. In 1850 it was 100,000, and the average increase annually for five or six years was 50,000 souls. There was no Territorial or Congressional form of government. The military of the United States were in control, enforcing the laws found in existence there when the country came to the United States under the treaty of Guadalupe Hidalgo, in 1848, and thus continued until December 20, 1849, the date of the organization of the State government.

The condition of the placer mining regions of California in 1848 is shown by the following report made to the Adjutant-General United States Army, by Col. R. B. Mason, First United States Dragoons.

REPORT OF COL. R. B. MASON ON THE GOLD-FIELDS OF CALIFORNIA.

HEADQUARTERS TENTH MILITARY DEPARTMENT,
Monterey, Cal., August 17, 1848.

SIR: I have the honor to inform you that, accompanied by Lieut. W. T. Sherman, Third Artillery, acting Assistant Adjutant-General, I started on the 12th of June last to make a tour through the northern part of California. My principal purpose, however, was to visit the newly-discovered gold placer in the valley of the Sacramento.

I had proceeded about 40 miles when I was overtaken by an express, bringing me intelligence of the arrival at Monterey of the United States storeship Southampton, with important letters from Commodore Shubrick and Lieutenant-Colonel Burton. I returned at once to Monterey, and dispatched what business was most important, and on the 17th resumed my journey. We reached San Francisco on the 20th, and found that all, or nearly all, its male population had gone to the mines. The town, which a few months before was so busy and thriving, was then almost deserted. On the evening of the 24th, the horses of the escort were crossed to Sansolito in a launch, and on the following day we resumed the journey, by way of Bodega and Sonoma, to Sutter's Fort, where we arrived on the morning of the 2d of July. Along the whole route mills were lying idle, fields of wheat were open to cattle and horses, houses vacant, and farms going to waste. At Sutter's there was more life and business. Launches were discharging their cargoes at the river, and carts were hauling goods to the fort, where already were established several stores, a hotel, &c. Captain Sutter had only two mechanics in his employ—a wagon-maker and blacksmith—whom he was then paying $10 per day. Merchants pay him a monthly rent of $100 per room, and whilst I was there a two-story house in the fort was rented as a hotel for $500 a month.

At the urgent solicitation of many gentlemen, I delayed there to participate in the first public celebration of our national anniversary at that fort, but on the 5th resumed the journey and proceeded 25 miles up the American Fork, to a point on it now known as the lower mines, or Mormon diggings. The hillsides were thickly strewn with canvas tents and bush arbors. A store was erected, and several boarding shanties in operation. The day was intensely hot; yet about 200 men were at work in the full glare of the sun, washing for gold, some with tin pans, some with close-woven Indian baskets, but the greater part had a rude machine known as the cradle. This is on rockers 6 or 8 feet long, open at the foot, and at its head has a coarse grate and sieve; the bottom is rounded, with small cleets nailed across. Four men are required to work this machine; one digs the gravel in the bank close by the stream, another carries it to the cradle and empties it on the grate, a third gives a violent rocking motion to the machine, whilst a fourth dashes water on from the stream itself. The sieve keeps the coarse stones from entering the cradle, the current of water washes off the earthy matter, and the gravel is gradually carried out at the foot of the machine,

leaving the gold mixed with fine heavy black sand above the first cleets. The sand and gold, mixed together, are then drawn off through auger holes into a pan below, are dried in the sun, and afterwards separated by blowing off the sand. A party of four men thus employed at the lower mines averaged $100 a day. The Indians, and those who have nothing but pans or willow baskets, gradually wash out the earth and separate the gravel by hand, leaving nothing but the gold mixed with sand, which is separated in the manner before described. The gold in the lower mines is in fine bright scales, of which I send several specimens.

As we ascended the south branch of the American Fork the country became more broken and mountainous, and at the saw-mill, 25 miles above the lower washings, or 50 miles from Sutter's, the hills rise to about 1,000 feet above the level of the Sacramento plain. Here a species of pine occurs, which led to the discovery of the gold. Captain Sutter, feeling the great want of lumber, contracted, in September last, with a Mr. Marshall to build a saw-mill at that place. It was erected in the course of the past winter and spring—a dam and race constructed; but when the water was let on the wheel, the tail race was found to be too narrow to permit the water to escape with sufficient rapidity. Mr. Marshall, to save labor, let the water directly into the race, with a strong current, so as to wash it wider and deeper. He effected his purpose, and a large bed of mud and gravel was carried to the foot of the race. One day Mr. Marshall when walking down the race to this deposit of mud, observed some glittering particles at its upper edge; he gathered a few, examined them, and became satisfied of their value. He then went to the fort, told Captain Sutter of his discovery, and they agreed to keep it secret until a certain grist-mill of Sutter's was finished. It however got out and spread like magic. Remarkable success attended the labors of the first explorers, and in a few weeks hundreds of men were drawn thither. At the time of my visit, but little more than three months after its first discovery, it was estimated that upwards of 4,000 people were employed. At the mill there is a fine deposit, or bank of gravel, which the people respect as the property of Captain Sutter, although he pretends to no right to it, and would be perfectly satisfied with the simple promise of a pre-emption, on account of the mill which he has built there, at considerable cost. Mr. Marshall was living near the mill, and informed me that many persons were employed above and below him, that they used the same machines as at the lower washings, and that their success was about the same, ranging from 1 to 3 ounces of gold per man daily. This gold too is in scales, a little coarser than those of the lower mines. From the mills Mr. Marshall guided me up the mountain, on the opposite or north bank of the South Fork, where, in the beds of small streams, or ravines, now dry, a great deal of the coarse gold has been found. I there saw several parties at work, all of whom were doing very well. A great many specimens were shown me, some as heavy as 4 or 5 ounces in weight; and I send three pieces, labeled No. 5, presented by a Mr. Spence. You will perceive that some of the specimens accompanying this hold, mechanically, pieces of quartz, that the surface is rough, and evidently molded in the crevice of a rock. This gold cannot have been carried far by water, but must have remained near where it was deposited from the rock that once bound it. I inquired of many people if they had encountered the metal in its matrix, but in every instance they said they had not, but that the gold was invariably mixed with washed gravel, or lodged in the crevices of other rocks. All bore testimony that they had found gold in greater or less quantities in the numerous small gullies or ravines that occur in that mountainous region. On the 7th of July I left the mill and crossed to a small stream emptying into the American Fork, 3 or 4 miles below the saw-mill. I struck this stream (now known as Weber's Creek) at the washings of Sañal & Co. They had about 30 Indians employed, whom they pay in merchandise. They were getting gold of a character similar to that found in the main fork, and doubtless in sufficient quantities to satisfy them. I send you a small specimen, presented by this company, of their gold. From this point we proceeded up the stream about 8 miles, where we found a great many people and Indians; some engaged in the bed of the stream, and others in the small side valleys that put into it. These latter are exceedingly rich, and 2 ounces were considered an ordinary yield for a day's work. A small gutter, not more than 100 yards long by 4 feet wide and 2 or 3 feet deep, was pointed out to me as the one where two men, William Daly and Perry McCoon, had, a short time before, obtained in seven days $17,000 worth of gold.

Captain Weber informed me that he knew that these two men had employed four white men and about a hundred Indians, and that, at the end of one week's work, they paid off their party and had left with $10,000 worth of this gold. Another small ravine was shown me from which had been taken $12,000 worth of gold. Hundreds of similar ravines, to all appearances, are as yet untouched. I could not have credited these reports had I not seen, in the abundance of the precious metal, evidence of their truth. Mr. Neligh, an agent of Commodore Stockton, had been at work about three weeks in the neighborhood, and showed me, in bags and bottles, over $2,000 worth of gold; and Mr. Lyman, a gentleman of education and worthy of every credit, said he had been engaged, with four others, with a machine on the American Fork,

just below Sutter's saw-mill, that they worked eight days, and that his share was at the rate of $50 a day; but, hearing that others were doing better at Weber's place, they had removed there, and were then on the point of resuming operations.

I might tell of hundreds of similar instances; but, to illustrate how plentiful the gold was in the pockets of common laborers, I will mention a simple occurrence which took place in my presence when I was at Weber's store. This store was nothing but an arbor of bushes, under which he had exposed for sale goods and groceries suited to his customers. A man came in, picked up a box of seidlitz powders, and asked its price. Captain Weber told him it was not for sale. The man offered an ounce of gold, but Captain Weber told him it only cost 50 cents, and he did not wish to sell it. The man then offered an ounce and a half, when Captain Weber *had* to take it. The prices of all things are high; and yet Indians, who before hardly knew what a breech-cloth was, can now afford to buy the most gaudy dresses.

The country on either side of Weber's Creek is much broken up by hills, and is intersected in every direction by small streams or ravines, which contain more or less gold. Those that have been worked are barely scratched, and, although thousands of ounces have been carried away, I do not consider that a serious impression has been made upon the whole. Every day was developing new and rich deposits, and the only apprehension seemed to be that the metal would be found in such abundance as seriously to depreciate in value.

On the 8th of July I returned to the lower mines, and on the following day to Sutter's, where, on the 10th, I was making preparations for a visit to the Feather, Yubah, and Bear Rivers, when I received a letter from Commodore A. R. Long, United States Navy, who had just arrived at San Francisco from Mazatlan, with a crew for the sloop-of-war Warren, and with orders to take that vessel to the squadron at La Paz. Captain Long wrote to me that the Mexican Congress had adjourned without ratifying the treaty of peace, that he had letters for me from Commodore Jones, and that his orders were to sail with the Warren on or before the 20th of July. In consequence of these, I determined to return to Monterey, and accordingly arrived here on the 17th of July. Before leaving Sutter's, I satisfied myself that gold exists in the bed of the Feather River, in the Yubah and Bear, and in many of the small streams that lie between the latter and the American Fork; also that it had been found in the Cosumnes to the south of the American Fork. In each of those streams the gold is found in small scales, whereas in the intervening mountains it occurs in coarse lumps.

Mr. Sinclair, whose rancho is 3 miles above Sutter's, on the north side of the American, employs about 50 Indians on the North Fork not far from its junction with the main stream. He had been engaged about five weeks when I saw him, and up to that time his Indians had used simply closely-woven willow baskets. His net proceeds (which I saw) were about $16,000 worth of gold. He showed me the proceeds of his last week's work—fourteen pounds avoirdupois of clean washed gold.

The principal store at Sutter's Fort, that of Brannant & Co., had received in payment for goods $36,000 worth of this gold from the 1st of May to the 10th of July; other merchants had also made extensive sales. Large quantities of goods were daily sent forward to the mines, as the Indians, heretofore so poor and degraded, have suddenly become consumers of the luxuries of life. I before mentioned that the greater part of the farmers and rancheros had abandoned their fields to go to the mines; this is not the case with Captain Sutter, who was carefully gathering his wheat, estimated at 40,000 bushels. Flour is already worth at Sutter's $36 a barrel, and soon will be $50. Unless large quantities of bread-stuffs reach the country, much suffering will occur; but as each man is now able to pay a large price, it is believed the merchants will bring from Chili and Oregon a plentiful supply for the coming winter.

The most moderate estimate I could obtain from men acquainted with the subject was that upwards of 4,000 men were working in the gold district, of whom more than half were Indians, and that from $30,000 to $50,000 worth of gold, if not more, was daily obtained. The entire gold district, with very few exceptions of grants made some years ago by the American authorities, is on land belonging to the United States. It was a matter of serious reflection with me how I could secure to the Government certain rents or fees for the privilege of procuring this gold; but, upon considering the large extent of country, the character of the people engaged, and the small scattered force at my command, I resolved not to interfere, but permit all to work freely, unless broils and crimes should call for interference. I was surprised to learn that crime of any kind was very unfrequent, and that no thefts or robberies had been committed in the gold district. All live in tents, in bush houses, or in the open air, and men have frequently about their persons thousands of dollars' worth of this gold; and it was to me a matter of surprise that so peaceful and quiet a state of things should continue to exist. Conflicting claims to particular spots of ground may cause collisions, but they will be rare, as the extent of country is so great, and the gold so abundant, that for the present there is room and enough for all; still the Government is entitled to rents for this land, and immediate steps should be devised to collect them, for the longer it is delayed the more difficult it will become. One plan I would

uggest is to send out from the United States surveyors, with high salaries, bound to erve specified periods; a superintendent to be appointed at Sutter's Fort, with power o grant licenses to work a spot of ground, say 100 yards square, for one year at a ent of from $100 to $1,000, at his discretion; the surveyors to measure the grounds and lace the renter in possession. A better plan, however, will be to have the district urveyed and sold at public auction to the highest bidder, in small parcels, say from 0 to 40 acres. In either case there will be many intruders, whom for years it will be lmost impossible to exclude.

The discovery of these vast deposits of gold has entirely changed the character of Jpper California. Its people, before engaged in cultivating their small patches of ground and guarding their herds of cattle and horses, have all gone to the mines, or re on their way thither; laborers of every trade have left their work-benches, and radesmen their shops; sailors desert their ships as fast as they arrive on the coast, and several vessels have gone to sea with hardly enough hands to spread a sail; two or hree are now at anchor in San Francisco with no crews on board. Many desertions, too, have taken place from the garrisons within the influence of the mines; 26 soliers have deserted from the post of Sonoma, 24 from that of San Francisco, and 24 from Monterey. For a few days the evil appeared so threatening that great danger existed that the garrisons would leave in a body; and I refer you to my orders of the 25th of July to show the steps adopted to meet this contingency. I shall spare no exertions to apprehend and punish deserters; but I believe no time in the history of our country has presented such temptations to desert as now exist in California. The danger of apprehension is small, and the prospect of higher wages certain; pay and bounties are trifles, as laboring men at the mines can now earn in *one day* more than double a soldier's pay and allowances for a month, and even the pay of a lieutenant or captain cannot hire a servant. A carpenter or mechanic would not listen to an offer of less than $15 or $20 a day. Could any combination of affairs try a man's fidelity more than this? And I really think some extraordinary mark of favor should be given to those soldiers who remain faithful to their flag throughout this tempting crisis. No officer can now live in California on his pay. Money has so little value, the prices of necessary articles of clothing and subsistence are so exorbitant, and labor so high, that to hire a cook or servant has become an impossibility, save to those who are earning from $30 to $50 a day. This state of things cannot last forever; yet, from the geographical position of California, and the new character it has assumed as a mining country, prices of labor will always be high, and will hold out temptaions to desert. I therefore have to report, if the Government wish to prevent desertions here on the part of men, and to secure zeal on the part of officers, their pay must be increased very materially. Soldiers both of the volunteer and regular service discharged in this country should be permitted at once to locate their land warrants in the gold district. Many private letters have gone to the United States giving accounts of the vast quantity of gold recently discovered, and it may be a matter of surprise why I have made no report on this subject at an earlier date. The reason is, that I could not bring myself to believe the reports that I heard of the wealth of the gold district until I visited it myself. I have no hesitation now in saying that there is more gold in the country drained by the Sacramento and San Joaquin Rivers than will pay the cost of the present war with Mexico a hundred times over. No capital is required to obtain this gold, as the laboring man wants nothing but his pick, shovel, and tin pan, with which to dig and wash the gravel; and many frequently pick gold out of the crevices of rock with their butcher knives in pieces from one to six ounces.

Mr. Dye, a gentleman residing in Monterey, and worthy of every credit, has just returned from Feather River. He tells me that the company to which he belonged worked seven weeks and two days, with an average of 50 Indians (washers), and that their gross product was 273 pounds of gold. His share, one-seventh, after paying all expenses, is about 37 pounds, which he brought with him and exhibits in Monterey. I see no laboring man from the mines who does not show his two, three, and four pounds of gold. A soldier of the artillery company returned here a few days ago from the mines, having been absent on furlough 20 days; he made by trading and working during that time $1,500. During these 20 days he was traveling 10 or 11 days, leaving but a week, in which he made a sum of money greater than he receives in pay, clothes, and rations during a whole enlistment of five years. These statements appear incredible, but they are true.

Gold is believed also to exist on the eastern slopes of the Sierra Nevada, and when at the mines, I was informed by an intelligent Mormon that it had been found near the Great Salt Lake by some of his fraternity. Nearly all the Mormons are leaving California to go to the Salt Lake, and this they surely would not do unless they were sure of finding gold there in the same abundance as they now do on the Sacramento.

The gold "placer" near the mission of San Fernando has long been known, but has been but little wrought for want of water. This is a spur that puts off from the

Sierra Nevada (see Fremont's map), the same in which the present mines occur. There is, therefore, every reason to believe that in the intervening space of 500 miles (entirely unexplored) there must be many hidden and rich deposits.

The placer gold is now substituted as currency of this country; in trade it passes freely at $16 per ounce; as an article of commerce its value is not yet fixed. The only purchase I made was of the specimen No. 7, which I got of Mr. Neligh at $12 the ounce. That is about the present cash value in the country, although it has been sold for less. The great demand for goods and provisions made by this sudden development of wealth has increased the amount of commerce at San Francisco very much, and it will continue to increase.

I would recommend that a mint be established at some eligible point on the bay of San Francisco, and that machinery, and all the apparatus and workmen, be sent by sea. These workmen must be bound by high wages, and even bonds, to secure their faithful services; else the whole plan may be frustrated by their going to the mines as soon as they arrive in California. If this course be not adopted, gold to the amount of many millions of dollars will pass yearly to other countries, to enrich their merchants and capitalists. Before leaving the subject of mines, I will mention that on my return from the Sacramento I touched at New Almoden, the quicksilver mine of Mr. Alexander Forbes, consul of her Britannic Majesty at Tepic. This mine is in a spur of mountains 1,000 feet above the level of the bay of San Francisco, and is distant in a southern direction from the Pueblo San Jose about 12 miles. The ore (cinnabar) occurs in a large vein dipping at a strong angle to the horizon. Mexican miners are employed in working it, by driving shafts and galleries about 6 feet by 7, following the vein.

The fragments of rock and ore are removed on the backs of Indians in raw-hide sacks. The ore is then hauled in an ox wagon from the mouth of the mine down to a valley well supplied with wood and water, in which the furnaces are situated. These furnaces are of the simplest construction, exactly like a common bake-oven, in the crown of which is inserted a whaler's trying kettle; another inverted kettle forms the lid. From a hole in the lid a small brick channel leads to an apartment or chamber, in the bottom of which is inserted a small iron kettle. This chamber has a chimney.

In the morning of each day the kettles are filled with mineral (broken in small pieces), mixed with lime; fire is then applied, and kept up all day. The mercury, volatilized, passes into the chamber, is condensed on the sides and bottom of the chamber, and flows into the pot prepared for it. No water is used to condense the mercury.

During a visit I made last spring, four such ovens were in operation, and yielded in the two days I was there 656 pounds of quicksilver, worth at Mazatlan $1.80 per pound. Mr. Walkinshaw, the gentleman now in charge of this mine, tells me that the vein is improving, and that he can afford to keep his people employed even in these extraordinary times. This mine is very valuable of itself, and becomes the more so, as mercury is extensively used in obtaining gold. It is not at present used in California for that purpose, but will be at some future time. When I was at this mine last spring, other parties were engaged in searching for veins; but none have been discovered that are worth following up, although the earth in that whole range of hills is highly discolored, indicating the presence of this ore. I send several beautiful specimens, properly labeled. The amount of quicksilver in Mr. Forbes's vats on the 15th of July was about 25,000 pounds.

I inclose you herewith sketches of the country through which I passed, indicating the position of the mines, and the topography of the country in the vicinity of those I visited.

Some of the specimens of gold accompanying this were presented for transmission to the Department by the gentlemen named below; the numbers on the topographical sketch, corresponding to the numbers on the labels of the respective specimens, show from what part of the gold region they were obtained:

1. Capt. J. A. Sutter.
2. John Sinclair.
3. William Glover, R. C. Kirby, Ira Blanchard, Levi Fairfield, Franklin H. Ayer; Mormon Diggings.
4. Chas. Weber.
5. Robert Spence.
6. Sufial & Co.
7. Robert D. Neligh.
8. C. E. Picket, American Fork, Columa.
9. E. C. Kemble.
10. T. H. Green, from San Fernando, near Los Angeles.

A. Two ounces purchased from Mr. Neligh.
B. Sand found in washing gold, which contains small particles.

11. Captain Frisbie, Dry Diggings, Weber's Creek.

12. Cosumnes.
13. Cosumnes, Hartnell's Ranch.
14. A small specimen, supposed to be platina, found mixed with the finer particles of the gold.

I have the honor to be your obedient servant,

R. B. MASON,
Colonel First Dragoons, Commanding.

General R. JONES,
Adjutant-General, U. S. A., Washington, D. C.

MINING DISTRICT UNDER LOCAL USAGE—HOW ORGANIZED.

As an illustration of how a miner's camp, and placer mining district as well, was organized in California in the early days and at the present time, to a certain extent, in many portions of the precious-metal mining States and Territories, the following laws and regulations for the internal government of the encampment of Jacksonville, Cal., in 1850, are herewith given.

The residents of the camp or town, twenty or thirty in number, held a meeting in front of Colonel Jackson's store on the 20th of January, 1850, and proceeded to organize a placer mining district. This local law, it will be noticed, assumed both civil and criminal jurisdiction, there being no legal tribunals of justice, and this course was necessary for the maintenance of social order:

Mining Camp at Jacksonville, Cal.—Organization and Rules.

ARTICLE I. The officers of this district shall consist of an alcalde and sheriff, to be elected in the usual manner by the people, and continue in office at the pleasure of the electors.

ART. II. In case of the absence or disability of the sheriff the alcalde shall have power to appoint a deputy.

ART. III. Civil causes may be tried by the alcalde, if the parties desire it; otherwise they shall be tried by a jury.

ART. IV. All criminal cases shall be tried by a jury of eight American citizens, unless the accused should desire a jury of twelve persons, who shall be regularly summoned by the sheriff and sworn by the alcalde, and shall try the case according to the evidence.

ART. V. In the administration of law, both civil and criminal, the rule of practice shall conform as near as possible to that of the United States, but the forms and customs of no particular State shall be required or adopted.

ART. VI. Each individual locating a lot for the purpose of mining shall be entitled to twelve feet of ground in width, running back to the hill or mountain and forward to the center of the river or creek, or across a gulch or ravine (except in cases hereinafter provided for), lots commencing in all cases at low-water mark and running at right angles with the stream where they are located.

ART. VII. In cases where lots are located according to Article VI and the parties holding them are prevented by the water from working the same, they may be represented by a pick, shovel, or bar, until in a condition to be worked; but should the tool or tools aforesaid be stolen or removed, it shall not dispossess those who located it, provided he or they can prove that they were left as required; and said location shall not remain unworked longer than one week, if in condition to be worked; otherwise it shall be considered as abandoned by those who located it (except in cases of sickness).

ART. VIII. No man or party of men shall be permitted to hold two locations, in a condition to be worked at the same time.

ART. IX. No party shall be permitted to throw dirt, stones, or other obstructions upon located ground adjoining them.

ART. X. Should a company of men desire to turn the course of a river or stream for the purpose of mining they may do so (provided it does not interfere with those working below them), and hold and work all the ground so drained, but lots located within said ground shall be permitted to be worked by their owners, so far as they could have been worked without the turning of the river or stream; and this shall not be construed to affect the rights and privileges heretofore guaranteed or prevent redress by suit at law.

ART. XI. No person coming direct from a foreign country shall be permitted to locate or work any lot within the jurisdiction of this encampment.

ART. XII. Any person who shall steal a mule, or other animal of draught or burden, or shall enter a tent or dwelling and steal therefrom gold dust, money, provisions,

goods, or other articles amounting in value to one hundred dollars or over, shall, on conviction thereof, be considered guilty of felony, and suffer death by hanging. Any aider or abettor therein shall be punished in like manner.

ART. XIII. Should any person willfully, maliciously, and premeditatedly take the life of another, on conviction of the murder, he shall suffer death by hanging.

ART. XIV. Any person convicted of stealing tools, clothing, or other articles, of less value than one hundred dollars, shall be punished and disgraced by having his head and eyebrows close shaved and shall leave the encampment within twenty-four hours.

ART. XV. The fee of the alcalde for issuing a writ or search-warrant, taking an attestation, giving a certificate or any other instrument of writing shall be five dollars; for each witness he may swear, two dollars; and one ounce of gold dust for each and every case tried before him.

The fee of the sheriff in each case shall be one ounce of gold dust and a like sum for each succeeding day employed in the same case. The fee of the jury shall be half an ounce in each case.

A witness shall be entitled to four dollars in each case.

ART. XVI. Whenever a criminal convict is unable to pay the costs of the case, the alcalde, sheriff, jurors, and witnesses shall render their services free of remuneration.

ART. XVII. In case of the death of a resident of this encampment, the alcalde shall take charge of his effects and dispose of them for the benefit of his relatives or friends, unless the deceased otherwise desire it.

ART. XVIII. All former acts and laws are hereby repealed and made null and void, except where they conflict with claims guaranteed under said laws.

ABNER PITTS, JR., *Secretary.*

JACKSONVILLE, *January* 20, 1850.

THE PRESENT METHOD OF ORGANIZING A MINING DISTRICT.

This, of course, was in the early days when there was neither State nor county organization. At this date the following system of organization of mining districts, quartz or placer, obtains: Meetings of two or more miners or others are held. The metes and bounds of the district, quartz or placer, are agreed upon. A code of rules and regulations is made for location and size of claims, a compliance with which gives possessory title to claims. A recorder is elected, who charges a fee for recording, and the district is organized. This proceeding is protected by State or Territorial law, and confirmed by the United States mining laws, which require that claimants shall comply with the local regulations of miners. Thus the titles to properties which may yield millions are initiated.

EXECUTIVE AND DEPARTMENTAL RECOMMENDATIONS.

The Secretary of the Interior, Hon. Caleb B. Smith, in his annual report for 1861 called the attention of Congress to the fact that—

The valuable and extensive mineral lands owned by the Government in California and New Mexico have hitherto produced no revenue. All who chose to do so have been permitted to work them without limitation. It is believed that no other government owning valuable mineral lands has ever refused to avail itself of the opportunity of deriving a revenue from the privilege of mining such lands. They are the property of the whole people, and it would be obviously just and proper to require those who reap the advantages of mining them to pay a reasonable amount as a consideration for the advantages enjoyed.

And, again, in his report for 1862, he urged attention to this subject, and referred to the report of the Commissioner of the General Land Office. The Secretary suggested two systems of disposal. The Commissioner of the General Land Office, in his annual report for 1862, after a review of the area of the precious-metal bearing territory and the yield from the mines, gave the following opinion:

An immense revenue may readily be obtained by subjecting the public mines either to lease under quarterly payments or quarterly tax as seigniorage upon the actual product, under a well-regulated and efficient system, which would stimulate the energies of miners and capitalists by securing to such classes an undisputed interest in localities so specified, and, when the conditions as to payment for the usufruct are complied with, for unlimited periods, and while effecting this with beneficial results to them would relieve the necessities of the Republic.

In 1863 the Commissioner of the General Land Office again called attention to the mineral lands, recommending legislation for—

Opening the mines and minerals of the public domain, the property of the nation, to the occupancy of all loyal citizens, subject, as far as compatible with moderate seigniorage, to existing customs and usages, conceding to the discoverer for a small sum a right to one mine, placer, or lead (quartz), with a pre-emptive right in the same district to an additional claim, both to be held for the term of one year, for testing the value.

Collectors of internal revenue were to be the collectors of royalty.

December 6, 1864, President Lincoln called the attention of Congress to the mineral lands, and also to the report of the Secretary of the Interior on the subject. The Secretary of the Interior in his report asks for an appropriation to enable the Department to have made a scientific examination of the principal mining localities, and of the mineral regions generally. Former geological and mineralogical surveys of the public domain had been done under the direction of the Commissioner of the General Land Office and the Interior Department.

The Commissioner of the General Land Office, in his report for 1864, entered at length into a description of the precious-metal bearing regions. He repeated the recommendation contained in his report for 1863 (see above), in regard to method of disposition of these lands.

The Commissioner of the General Land Office, in his report for 1865, again showed the necessity for Congressional action.

The Secretary of the Interior, in his report for 1865, said:

The organization of a bureau of mining was recommended in the last annual report of this Department. The attention of Congress is again invited to the subject. All lands denominated mineral which do not bear the precious metals should be brought into market, and thus placed under the guardianship of private owners. * * * Individual proprietorship, it is conceded, would stimulate the development of coal fields, petroleum, deposits of iron, lead, and of other gross metals, and mineral formations. There can, therefore, be no sufficient reason for withholding such mineral lands from market. Congress has not legislated with a view to securing an income from the product of the precious metals from the public domain. It is estimated that two or three hundred thousand able-bodied men are engaged in such mining operations on the public lands, without authority of law, who pay nothing to the Government for the privilege, or for the permanent possession of property worth, in many instances, millions to the claimants.

The existing financial condition of the Nation obviously requires that all our national resources and the product of every industrial pursuit, should contribute to the payment of the public debt. The wisdom of Congress must decide whether the public interest would be better promoted by a sale in fee of these mineral lands, or by raising a revenue from their annual product.

RETROSPECT OF MINING LEGISLATION PRIOR TO 1866.

The mining laws of the United States began with the reservation, in the ordinance of May 20, 1785, of one-third part of all gold, silver, lead, and copper mined; next came the Indiana act of March 3, 1807, authorizing the lease of lands containing lead, with lease of adjoining land for easements, and forest lands for wood for smelting purposes, for a term of not more than five years. The authority to make leases and to collect rents from the same, was in charge of the War Department (until March 4, 1849), which had a corps of employés, headed by a superintendent, to overlook the business, watch wastage, and receive rents; the act of March 25, 1816—the occupancy and trespass act—provided that the working of lead mines on the public lands was only to be granted after approval by the President.

The first sale of mineral lands was that of the reserved lead mines and contiguous lands in the State of Missouri, under act of March 3, 1829. They were to be exposed for sale as other public lands, at $2.50 per acre; but lead and other mineral lands on the public domain, elsewhere than in Missouri, were still reserved from sale.

The act of July 1, 1846, ordered the reserved lead mines and contiguous lands in Illinois, Arkansas, and the Territories of Wisconsin and Iowa, to be sold as other public lands, after six months' public notice, following the Missouri act of 1829, with the addition of the provision that the lands should be offered and held subject to pri-

vate entry before pre-emptions were allowed. The register and receiver were to take proof as to character of lands, whether mineral (*i. e.*, containing lead) or agricultural.

The act of March 1, 1847, opened for sale lands containing copper, lead, and other valuable ores after geographical examination and survey, and provided that there should be public advertisement of six months, and then public sale at not less than $5 per acre, those not disposed of at public auction to be subject to private sale at $5 per acre.

The act of March 3, 1847, ordered sale of mineral lead lands in Chippewa District, in Wisconsin, and the act of 1850 ordered sale of the remaining mineral lands in Lake Superior District in Michigan, in the same manner, at the same minimum, and with the same rights of pre-emption, as other public lands.

From the period of 1785 to the discovery of the great gold fields of California, in 1848, the legislation of the Congress of the United States as to survey, lease, and sale of mineral lands, had been for lead, copper, and other base metals, and applied to the territory in the region of the great lakes in the now States of Michigan, Wisconsin, Minnesota, Iowa, and Illinois, embracing the lead mines at Galena and the point now known as Dubuque (where a miner of that name in 1788 first worked lead mines, and subsequently, under permit from Carondelet, the Spanish governor-general) and the present State of Missouri. Under these various laws, the copper, lead, and iron lands (also the silver lands since discovered) of the above-mentioned regions were sold. Since the discovery of gold in paying quantities in California, in 1848, there has been produced in the United States the sum of $1,980,463,792 in gold and silver. All but about $1,000,000 of this sum (which would represent the gold and silver extracted in the States other than public-land States) has been extracted from the lands of the public domain.

The following estimate of the yearly production of gold and silver from 1848 to 1880, is from the reports of the Director of the Mint:

Estimate of the production of the precious metals in the United States from* 1848 *to* 1880, *by fiscal years.

Date.	Gold.	Silver.	Total gold and silver.
1848	$10,000,000	....	$10,000,000
1849	40,000,000	$50,000	40,050,000
1850	50,000,000	50,000	50,050,000
1851	55,000,000	50,000	55,050,000
1852	60,000,000	50,000	60,050,000
1853	65,000,000	50,000	65,050,000
1854	60,000,000	50,000	60,050,000
1855	55,000,000	50,000	55,050,000
1856	55,000,000	50,000	55,050,000
1857	55,000,000	50,000	55,050,000
1858	50,000,000	50,000	50,050,000
1859	50,000,000	100,000	50,100,000
1860	46,000,000	150,000	46,150,000
1861	43,000,000	2,000,000	45,000,000
1862	39,200,000	4,500,000	43,700,000
1863	40,000,000	8,500,000	48,500,000
1864	46,000,000	11,000,000	57,000,000
1865	53,225,000	11,250,000	64,475,000
1866	53,500,000	10,000,000	63,500,000
1867	51,725,000	13,500,000	65,225,000
1868	48,000,000	12,000,000	60,000,000
1869	49,500,000	12,000,000	61,500,000
1870	50,000,000	16,000,000	66,000,000
1871	43,000,000	23,000,000	66,000,000
1872	36,000,000	28,750,000	64,750,000
1873	36,000,000	35,750,000	71,750,000
1874	33,490,902	37,324,594	70,815,496
1875	33,467,856	31,727,560	65,195,416
1876	39,929,166	38,783,016	78,712,182
1877	46,897,390	39,793,573	86,690,963
1878	51,206,360	45,281,385	96,487,745
1879	38,899,858	40,812,132	79,711,990
1880	36,000,000	37,700,000	73,700,000
Total	1,520,041,532	460,422,260	1,980,463,792

The ordinance of 1785, for the sale of the Western Territory, reserved one-third part of gold and silver from the public lands. The present gold and silver regions of the West were then in the province of Spain. The laws of the United States, excepting the comprehensive word "mineral," as applied to reserved lands, and the pre-emption act of September 4, 1841, the Oregon act of September 27, 1851, and other incidental mention prior to that time, were silent as to gold, silver, and cinnabar.

The act of March 3, 1853, creating the office of surveyor-general of California, excepted, in express terms, mineral lands from lands subject to entry under the pre-emption act of September 4, 1841, and no person was to have the benefit of the act by settlement or location on mineral lands.

The act of July 22, 1854, relating to the surveyor general's office in New Mexico, &c., provided by the fourth section for the exemption of mineral lands from the operations of the acts named. This was the status at the period of the passage of the first general mining law of the United States, July 26, 1866.

THE CONDITION OF THE PRECIOUS-METAL BEARING REGIONS PRIOR TO 1866.

In the precious-metal-bearing regions on the public domain in California, Oregon, Nevada, Colorado, and the Territories, there had grown up a system of local regulations governing the location, size, and possession of mining claims, with water rights appurtenant thereto. These regulations were not uniform, but varied with different localities, and at first related only to placer claims. Quartz mining was a secondary stage, and regulations for this system were established as soon as required. Mineral districts were organized by the miners of each particular locality at meetings held for the purpose, and for each district an officer, known as the recorder, was elected, whose duty it was to record, in a book kept for that purpose, all notices of mining locations or claims filed with him. It was generally made essential to the validity of a claim that it should be recorded. These regulations at first rested entirely upon the consent of the miners; but they became recognized as customs by the courts, and were held to be binding in all matters relating to the possessory title to mining claims. In the civil codes enacted by the State or Territorial legislatures these local rules were respected and generally specifically recognized. They sprung from the sterling good sense of the American miner, and were adapted to the wants and necessities of a great industry for which there would otherwise have been no protection. They protected millions of property and aided in opening up a region of incalculable wealth. Prospectors, under this code of laws, with pick, pan, and shovel, on mountain side, amidst winter's rugged grasp, on the plains, under sunny skies, in the quiet nooks and flowery ravines of the lower slopes of the Sierras, lifted from the matrix of nature the golden treasure, and toiled on as safely protected in their property as if in the midst of the highest civilization.

These laws protected and controlled the possession, and provided for the distribution of hundreds of millions of dollars of property, and affected the people of a half million square miles of territory. (For a list of mining districts, deputy mineral surveyors, &c., see Preliminary Report Land Commission, 1880, and Reports General Land Office from 1866 to 1880.)

The Congress of the United States by the act of general mining, July 26, 1866, and the supplemental act of May 10, 1872, confirmed these local usages.

THE MINING ACT OF JULY 26, 1866.

The act of July 26, 1866, ordered that "the mineral lands of the public domain, both surveyed and unsurveyed," were "to be free and open to exploration and occupation by all citizens of the United States, and those declaring their intention to become citizens, subject to such regulations as may be prescribed by law," and "subject also to the local customs or rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States."

The second section of this act provided "that whenever any person or association

of persons claim a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, or copper, having previously occupied and improved the same according to the local custom or rules of miners in the district where the same is situated, and having expended in actual labor and improvements not less than $1,000," such claimants, where there is no conflict, after filing in "the local land office a diagram of the same," according to local laws, customs, and miners' rules, can "enter such tract and receive a patent therefor, granting such mine, together with the right to follow such vein or lode, with its dips, angles, and variations, to any depth."

The other sections of the law prescribed with specialty the mode of consummating individual rights, surveys, &c.; also in reference to conflicts, rights of way, priority "of possession," right to the use of water for mining, agricultural, manufacturing, or other purposes; to homesteads existing prior to the date of the act, which are used for agriculture, on which valuable mines are not discovered, the law conferring authority on the Secretary of the Interior for setting apart, after survey, the agricultural lands so as to subject them to pre-emption and sale.

PLACER-MINING ACT, JULY 9, 1870.

July 9, 1870, Congress provided for a class of "placer" mining not recognized in the lode act of July 26, 1866 (see Stats. at Large). This act provided for the survey and sale of the placer-mining lands of the United States at $2.50 per acre.

THE MINING ACT OF MAY 10, 1872.

The mining act of May 10, 1872, amended the original mining act of 1866, and constituted mineral lands a distinctive class subject to special conditions of sale and affixed prices differing wholly from the requirements in these respects as to other lands. It provided for the survey and sale of mineral lands, fixing the price of placer lands at $2.50 per acre and $5 for lode claims, and repealed, in effect, the ditch and water rights' act of July 26, 1866. The present laws for the disposition of of the mineral lands of the United States are found in chapter 6, of the Revised Statutes, title "Mineral Lands and Mining Resources," and in the Regulations of the General Land Office of date April 1, 1879.

PROVISIONS OF THE EXISTING MINING LAW.

Under section 2318, Revised Statutes, lands valuable for minerals are reserved from sale except as otherwise expressly directed by law. Section 2319 provides for their location by citizens of the United States or those who have declared their intention to become such. The law covers claims for lands bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, and for the above and other valuable and economic minerals, found in lodes of quartz or other rock in place, titles can be obtained from the United States under the existing laws at $5 per acre.

Claims cannot exceed 1,500 feet in length along the vein or lode, and 300 feet on each side of the middle of the vein at the surface, the end lines of the claims to be parallel.

No vein or lode claim located after May 10, 1872, can exceed a parallelogram 1,500 feet in length by 600 in width. The size below this maximum may be regulated by State or Territorial laws or the rules of the several mining districts.

No local regulation or State or Territorial law can limit a vein or lode claim located since May 10, 1872, to less than 1,500 feet along the vein or course thereof, whether the location is made by one or more persons, nor can surface rights be limited to less than 50 feet in width, unless adverse rights existing on the 10th day of May, 1872, render such lateral limitations necessary. This saving clause is essential from the fact that in many of the mining States and Territories, the local rules did not permit the location of surface ground. There are now three classes of location recognized—those made prior to July 26, 1866; those between that date and May 10, 1872; and those made since May 10, 1872. The variety in size and quantity of locations cannot here

be detailed at length. Under the United States mining law, the maximum of a quartz lode or vein claim is 1,500 by 600 feet, and the minimum 1,500 by 50 feet, being about 20.66 acres maximum, or 1.72 acres minimum. Cost of surveys, &c., are paid by the claimants, and the land is paid for at $5 for each acre or fraction of an acre.

Locations are made under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable, and not inconsistent with the laws of the United States. The United States has the authority and can provide a general and uniform system of location, areas, &c., entirely superseding the various State, Territorial, and district laws. Some of the mining States and Territories have adopted the United States mining law of May 10, 1872, as to area; others protect other forms and areas of location by law. (For a full statement of the various methods of locations, holdings, miners' rules, &c., see Preliminary Report of Public Land Commission and Testimony, 1880, which gives the methods prevailing, and the legal status in California, Oregon, Nevada, Colorado, Idaho, Dakota, Arizona, Montana, Utah, Washington, Wyoming, and New Mexico.)

COST OF PATENTS TO THE UNITED STATES AND CLAIMANTS.

It costs the United States on an average $20 to patent each mining claim. During the year ending June 30, 1880, there were issued 886 patents to mining claims. All of the work appertaining thereto, involving an examination of the evidence accompanying the entry papers, including that relating to contests, was executed by the mineral division of the General Land Office, at a cost to the government for salaries of $17,600, an average of about $20, in each case. Where the survey and papers have been properly prepared, and no controversy exists, the cost in a particular case will not exceed $3.

The cost to the claimant is as problematical as that of a lawsuit. He is required to pay the expense of survey, including platting and other office work of the surveyor-general's office, which will average about $160; also, fees to the register and receiver, $10, and expense of publication of notice, averaging $30; in all, $200. Practically, however, it is estimated that the average cost to the claimant falls but little, if any, short of $1,000 in each case.

PLACER CLAIMS—PATENTS THEREFOR.

The proceedings to obtain patent for placer claims, including all forms of deposit, are essentially similar to the proceedings prescribed for obtaining patents for lode or vein claims. But placer claims, when on surveyed lands and conforming to legal subdivisions, require no further plat or survey, and 40-acre subdivisions may be cut into 10-acre lots and sold as placer claims. Where placer claims cannot be conformed to legal subdivisions, survey and plat must be made as on unsurveyed lands; but where such claims are located previous to the public surveys, and do not conform to legal subdivisions, survey, plat, and entry thereof may be made according to the boundaries thereof, provided the location is in all respects legal.

These lands are sold at $2.50 for each acre or fraction of an acre.

No location of a placer claim made after July 9, 1870, can exceed 160 acres for any one person or association of persons.

All placer-mining claims located after May 10, 1872, must conform as nearly as practicable with the United States system of public surveys and the subdivisions of such surveys, and no such locations can include more than 20 acres for each individual claimant. The act of July 9, 1870, absolutely required locations made after its passage to conform to legal subdivisions, but the act of May 10, 1872, modified this requirement by making such conformation necessary only where practicable.

The foregoing provisions of law are construed to mean that after the 9th day of July, 1870, no location of a placer claim can be made to exceed 160 acres, whatever may be the number of locators associated together, or whatever the local regulations of the district may allow; and that from and after May 10, 1872, no location made by

an individual can exceed 20 acres, and no location made by an association can exceed 20 acres for each person. In order to locate 160 acres, eight *bona-fide* locators are required. No local laws or mining regulations can restrict a placer location to less than 20 acres, although the locator is not compelled to take so much.

Mill sites must be located on non-mineral lands not contiguous to the vein or lode, and not exceed five acres, and may be included in the patent for a mine at $5 per acre. (See sec. 2337 R. S.)

Tunnel rights, in tunnels run for the development of a vein or lode or for the discovery of mines, are provided. Proprietors of a mining tunnel, run in good faith, are entitled to the possessory right of all blind lodes cut, discovered, or intersected by such tunnel, which were not previously known to exist, within 3,000 feet of the face or point of commencement of such tunnel, to the same extent as if such lodes had been discovered on the surface, and other parties are prohibited, after the commencement of the tunnel, from prospecting for and making location on *the line thereof* and within said distance of 3,000 feet, unless such lodes appear upon the surface or were previously known to exist. (See sec. 2323 R. S.)

For requirements necessary to obtain the benefit of this law, see pages 16–17, "Regulations General Land Office, April 1, 1879."

IRON HELD TO BE A VALUABLE MINERAL.

Iron has been held, along with many other minerals when on the public domain, to come within section 2325 of the Revised Statutes, under the denomination of valuable deposits, and can be paid for at the rate of $2.50 or $5 per acre, depending upon whether the deposit is in placer or lode form.

THE POLICY OF THE UNITED STATES IN RELATION TO MINERAL LANDS.

The policy of the United States in relation to the sale and disposition of the mineral lands of the public domain—beginning with its reservation of portions of the metal therefrom, next occupancy rights, then leases, followed by public offering and private entry and sale, thereafter culminating in the several mineral acts of 1866, 1870, and 1872—now permits their free exploration and development by citizens, or persons who have declared their intention to become citizens; and a nominal price for the lands (placer $2.50, and quartz, gold, silver, cinnabar, or other valuable deposits $5 per acre) is charged should the owner of the possessory title desire to procure a fee-simple title. This price barely covers expenses of making title on the part of the United States. The material wealth added to the circulating medium by extraction from the earth through individuals or corporations, together with costs of mining and extraction, and the great and dangerous risks to fortune caused thereby, are considered equivalents for the value of the land. The United States protects exploration and developments by the miner on the public domain. As an evidence of the liberality of the Nation in this respect, coal lands are sold at from $10 to $20 per acre. Twenty acres of coal land at $20 per acre cost the purchaser $400, while 20 acres of lode mineral land on the Comstock lode at $5 per acre are sold for $100, and, as in the case of the Consolidated Virginia and California mines, may yield more than $60,000,000.

NUMBER OF LOCATIONS AND OF PATENTS.

In the twelve States and Territories containing the precious metals and forming part of the public domain there are known to have been made more than 200,000 mining locations, yet the total number to June 30, 1880, of lode, vein, or other valuable deposit claims to which titles have been obtained by compliance with the mining laws is but 3,978, containing 38,435.11 acres at $5 per acre, and for which the United States has received $197,778. The total number of placer-mining claims patented in the same region by the United States is 1,303, containing 110,186.03 acres, at $2.50 per acre, and for which the United States has received $288,767. In all a total number of 5,281 lode and placer claims have been patented to June 30, 1880, containing in all 148,621.14 acres, for which the Government received a total of $486,545.

ESTIMATE OF AREA OF WESTERN PRECIOUS-METAL REGIONS.

The estimated area of the entire precious-metal bearing region of the public domain is 65,000,000 acres, within which lie the veins, lodes, or deposits of precious and valuble minerals. Deducting the 148,621.14 acres already patented, and the grand total remaining, the property of the Nation exceeds 64,800,000 acres, all situated and lying in the States and Territories named in the tables hereto attached, and being south of the Dominion of Canada (British Possessions), west of the Missouri River, and north of the boundary line between Mexico and this country. All of this is independent of the unexplored area within the unorganized Territory of Alaska, which in the future may form no unimportant portion of our precious-metal-bearing country. The above estimate, however, includes a vast number of located claims held and worked under a possessory title alone, there being no statute compelling the claimants to purchase the fee from the Government. For many of these claims applications for patent have been made, but proceedings are suspended either on account of litigation in the courts, initiated in the manner and within the time prescribed by the statute, or by reason of failure of claimants to produce satisfactory evidence of compliance with law and right to purchase and make entry. The difficulties of obtaining patent under existing laws are so great, and the practice of levying blackmail is so extensive, that many mine owners prefer to rely upon their possessory title rather than purchase the fee from the Government.

PATENTS ISSUED.

Statement of the number of placer mining claims patented in the several precious metal-bearing States and Territories of the public domain from 1867 to June 30, 1880, together with the acreage and amount paid therefor, under the several mining acts of July 26, 1866, July 9, 1870, and May 10, 1872.

States and Territories.	1867.			1870.			1871.		
	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.
California	1	80.70	$405 00	2	71.16	$185 00	36	385.84	$9,632 50
Oregon				2	250.00	625 00	6	446.47	1,373 00
Nevada									
Idaho									
Montana				1	26.24	67 50	14	1,187.37	2,447 50
Wyoming									
Utah									
Colorado									
Dakota									

States and Territories.	1872.			1873.			1874.		
	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount
California	79	8,680.57	$20,837 00	130	10,748.32	$26,973 50	104	9,562.67	$23,979 50
Oregon	5	324.06	814 50	4	147.97	445 00	7	288.48	677 50
Nevada									
Idaho									
Montana	29	2,566.27	6,479 50	66	3,822.08	9,671 50	42	2,714.91	6,842 50
Wyoming									
Utah									
Colorado	4	482.75	1,207 50	24	1,932.05	4,842 50	13	477.01	1,200 00
Dakota									

Statement of the number of placer mining claims patented, &c.—Continued.

States and Territories.	1875.			1876.			1877.		
	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.
California	107	12,439.51	$29,874 00	57	6,789.05	$16,982 00	67	6,371.49	$16,030 00
Oregon	10	697.39	1,745 50	8	468.94	1,276 00	7	386.50	967 50
Nevada	3	400.00	1,000 00	1	160.00	400 00	1	1,280.00	3,200 00
Idaho	...	...	...	...	...	...	...	...	...
Montana	40	1,970.15	4,904 50	17	875.47	2,207 00	12	498.57	1,254 00
Wyoming	...	...	...	4	320.00	1,0[illegible]0 00	...	...	...
Utah	1	8.20	22 50	1	32.28	82 50	...	...	...
Colorado	12	1,248.16	3,272 00	17	1,038.34	2,762 00	17	1,203.83	3,275 00
Dakota	...	...	...	...	...	...	5	25.07	67 50

States and Territories.	1878.			1879.			1880.		
	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.	No. of placers.	Acres.	Amount.
California	95	11,409.17	$28,615 50	72	4,719.32	$14,142 00	36	4,266.55	$11,006 00
Oregon	7	414.18	1,055 00	1	20.00	50 00	3	71.90	182 50
Nevada	...	...	...	...	...	...	...	...	...
Idaho	1	19.80	50 00	2	36.15	185 00	...	...	...
Montana	15	907.19	2,285 00	15	831.16	2,132 50	17	1,268.09	3,197 50
Wyoming	...	...	...	...	...	...	...	...	...
Utah	...	...	...	2	40.00	310 00	...	...	...
Colorado	12	118.31	2,807 50	23	1,799.01	4,632 50	30	2,598.80	6,516 50
Dakota	17	154.17	330 00	4	61.80	172 00	1	1.66	5 00

RECAPITULATION.

States and Territories.	No. of placers.	Total acres.	Total amount.
California	786	79,620.00	$199,661 00
Oregon	59	3,561.08	9,306 50
Nevada	5	1,840.00	4,600 00
Idaho	3	56.01	235 00
Montana	263	16,677.50	42,099 00
Wyoming	4	320.00	1,050 00
Utah	4	80.48	725 00
Colorado	152	10,943.26	30,515 50
Dakota	27	242.70	574 50
Total	1,303	110,186.03	288,767 00

Statement of the number of quartz vein or lode, or other valuable deposit mining claims patented in the several precious metal bearing States and Territories of the public domain from 1867 *to June* 30, 1880, *together with the acreage and amount paid therefor, under the several mining acts of July* 26, 1866, *July* 9, 1870, *and May* 10, 1872.

States and Territories.	1867.			1868.			1869.		
	Lodes.	Acres.	Amount.	Lodes.	Acres.	Amount.	Lodes.	Acres.	Amount.
California	4	138.68	$700 00	2	147.09	$740 00	6	207.84	$1,045 00
Oregon	...	...	...	...	...	...	...	...	...
Nevada	3	16.19	90 00	26	287.19	1,485 00	3	255.16	1,320 00
Idaho	...	...	...	...	...	...	...	...	...
Montana	...	...	...	9	53.93	290 00	7	50.52	280 00
Wyoming	...	...	...	...	...	...	...	...	...
Utah	...	...	...	...	...	...	...	...	...
Colorado	...	...	...	3	3.42	25 00	27	39.42	245 00
New Mexico	...	...	...	...	...	...	...	...	...
Arizona	...	...	...	...	...	...	...	...	...
Dakota	...	...	...	...	...	...	...	...	...

Statement of the number of quartz vein or lode, or other valuable deposit, &c.—Continued.

States and Territories.	1870. Lodes.	1870. Acres.	1870. Amount.	1871. Lodes.	1871. Acres.	1871. Amount.	1872. Lodes.	1872. Acres.	1872. Amount.
California	6	348.15	$1,755 00	13	740.00	$3,725 00	54	1,182.46	$6,020 00
Oregon				1	13.76	70 00	4	13.76	70 00
Nevada	44	249.53	1,295 00	23	115.23	595 00	26	179.93	925 00
Idaho									
Montana	5	45.70	240 00	2	13.77	75 00	16	73.76	420 00
Wyoming									
Utah				8	49.28	270 00	36	171.46	940 00
Colorado	61	104.93	670 00	72	117.82	775 00	123	189.38	1,340 00
New Mexico	1	20.66	105 50						
Arizona							3	45.63	248 00
Dakota									

States and Territories.	1873. Lodes.	1873. Acres.	1873. Amount.	1874. Lodes.	1874. Acres.	1874. Amount.	1875. Lodes.	1875. Acres.	1875. Amount.
California	84	1,950.57	$10,090 00	81	2,123.69	$9,650 00	88	2,753.86	$14,040 00
Oregon									
Nevada	63	459.27	2,370 00	73	741.86	3,450 00	70	700.92	3,620 00
Idaho	1	7.23	40 00	1	5.50	30 00	5	68.50	350 00
Montana	20	85.00	500 00	24	277.98	1,505 00	25	632.40	3,275 00
Wyoming									
Utah	46	252.76	1,365 00	84	84.16	460 00	31	296.58	1,375 00
Colorado	188	342.89	2,145 00	114	222.36	1,500 00	138	453.53	2,645 00
New Mexico				2	13.77	70 00	1	20.66	105 00
Arizona	13	163.49	845 00	6	116.40	600 00	7	133.59	680 00
Dakota									

States and Territories.	1876. Lodes.	1876. Acres.	1876. Amount.	1877. Lodes.	1877. Acres.	1877. Amount.	1878. Lodes.	1878. Acres.	1878. Amount.
California	61	1,701.45	$8,320 00	76	1,696.60	$7,955 00	59	1,167.02	$5,875 00
Oregon									
Nevada	77	872.18	4,450 00	68	737.76	3,865 00	83	814.40	4,180 00
Idaho									
Montana	80	307.40	1,605 00	85	372.02	2,045 00	72	837.96	4,365 00
Wyoming	1	8.89	45 00						
Utah	57	455.87	1,840 00	63	375.91	2,010 00	67	617.94	3,160 00
Colorado	173	818.37	4,534 00	139	676.88	3,755 00	242	1,403.79	7,570 00
New Mexico	1	20.66	105 00				2	31.01	160 00
Arizona	10	169.32	870 00	18	207.23	1,065 00	7	97.26	500 00
Dakota							3	17.90	92 00

States and Territories.	1879. Lodes.	1879. Acres.	1879. Amount.	1880. Lodes.	1880. Acres.	1880. Amount.
California	73	1,427.41	$6,675 00	65	508.97	$2,700 00
Oregon	1	20.25	105 00	1	20.66	105 00
Nevada	81	855.17	4,350 00	33	407.28	2,075 00
Idaho						
Montana	51	535.77	2,875 00	26	308.94	1,595 00
Wyoming						
Utah	72	675.10	3,040 00	50	406.06	2,117 00
Colorado	185	1,149.60	6,265 00	207	1,398.47	7,535 00
New Mexico	1	20.66	105 00	2	40.88	210 00
Arizona	12	203.92	1,050 00	9	180.44	915 00
Dakota	15	124.43	670 00	7	46.59	245 00

RECAPITULATION.

Lode claims patented from 1867 to June 30, 1880.

States and Territories.	Number of patents.	Acres.	Received by United States.
California	672	16, 094. 23	$79, 690 00
Oregon	7	68. 43	350 00
Nevada	704	6, 596. 07	34, 070 00
Idaho	7	81. 23	420 00
Montana	322	3, 605. 54	18, 990 00
Wyoming	1	8. 89	45 00
Utah	473	3, 384. 92	16, 577 00
Colorado	1, 672	6, 920. 36	39, 004 00
New Mexico	10	168. 24	860 00
Arizona	85	1, 318. 28	6, 765 00
Dakota	25	188. 92	1, 007 00
Number of claims patented	3, 978	38, 435. 11	197, 778 00
Number of placer claims patented from 1866 to June 30, 1880	1, 303	110, 186. 03	288, 767 00
Number of vein or lode claims patented from 1866 to June 30, 1880	3, 978	38, 435. 11	197, 778 00
Total	5, 281	148, 621. 14	486, 545 00

Washington Territory, although having no mining claims patented, contains valuable deposits of the precious metals.

REFERENCES HEREUNDER.

For lists of patents issued for mining claims from July 26, 1866, to August 1, 1877, see Copp's Hand Book of Mining Law; also, annual reports Commissioner General Land Office, from 1868 to 1879.

United States Statutes at Large, vols. 1 to 18.

Revised Statutes of the United States, chap. 6; title, "Mineral Lands and Mining Resources."

Annual reports General Land Office, 1812–1880.

Public Lands, Laws, Instructions, and Opinions, 2 vols., 1838.

Mineral Resources of the United States, 1866–1867, 1868, United States Government. J. Ross Browne and James W. Taylor, Commissioners.

Mineral Resources west of the Rocky Mountains, annual reports for 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876. Rossiter W. Raymond, United States Commissioner of Mining Statistics.

Preliminary Report and Testimony, United States Public Land Commission, February, 1880.

The Land of Gold, Hinton R. Helper.

Sights in the Gold Mines, Wood, 1852.

Messages of the Presidents of the United States from 1829 to 1874.

Reports of the War Department of the United States to 1849, on lease of lead and mineral lands.

Reports of the Secretary of the Interior, 1849 to 1880.

Message of the President of the United States, January 24, 1850, transmitting information in answer to a resolution of the House of December 31, 1849, on the subject of California and New Mexico. Ex. Doc., House, No. 17, Thirty-first Congress, first session.

Reports of Foster & Whitney, D. D. Owen, J. Evans.

Lester's Land Laws, Regulations, and Decisions, 2 vols.

Copp's Land Laws; Copp's Mining Decisions; Copp's Land Owner; Copp's Handbook of Mining Laws; Henry N. Copp, Washington, D. C.

Zabriskie's Land Laws.

Rockwell's Spanish and Mexican Laws.

Morrison's Mining Digest; Morrison's Mining Rights.

Sickels' Mining Decisions, 1880, A. L. Bancroft & Co., San Francisco.
Blanchard and Weeks's leading cases in Mines, Minerals, and Mining Water Rights.
Weeks on Mineral Lands.
Skidmore's Mining Decisions.
De Fooz on the Laws of Mines.
Yates's Legal Titles to Mining Claims and Water Rights in California.
Land Laws in California, Oregon, Texas, &c.; Joseph M. White, 2 vols.
Land Laws and Decisions; J. Vance Lewis, 2 vols.

FORM OF PATENT FOR PLACER CLAIM.

General Land Office, No. 4,458. Mineral certificate No. 448.

The United States of America to all to whom these presents shall come, greeting:

Whereas, in pursuance of the provisions of the Revised Statutes of the United States, chapter six, title thirty-two, there has been deposited in the General Land Office of the United States the certificate of the register of the land office at Helena, in the Territory of Montana, whereby it appears that, in pursuance of the said Revised Statutes of the United States, James G. Hammond did, on the ninth day of June, A. D. 1879, enter and pay for certain placer mining premises, being mineral entry number four hundred and forty-eight (448) in the series of said office, embracing the west half of the southeast quarter and the southeast quarter of the southwest quarter of section twenty-three (23), and the northeast quarter of the northeast quarter of section twenty-eight (28), in township ten (10) north, of range four (4) east of the principal meridian, containing one hundred and sixty (160) acres of land, more or less, as shown by the official survey and plat of said township; said placer mining claim or lot of land being situate in the Summit Valley mining district, in the county of Lewis and Clarke, and Territory of Montana, in the district of lands subject to sale at Helena, and commonly known as the "Jennie Placer Mine."

Now know ye, that the United States of America, in consideration of the premises and in conformity with said Revised Statutes of the United States, have given and granted, and by these presents do give and grant, unto the said James G. Hammond, and to his heirs and assigns, the said placer mining premises above described as the west half of the southeast quarter and the southeast quarter of the southwest quarter of section twenty-three (23), and the northeast quarter of the northeast quarter of section twenty-eight (28), in township ten (10) north, of range four (4) east of the principal meridian.

To have and to hold said mining premises, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging, unto the said James G. Hammond, and to his heirs and assigns forever; subject, nevertheless, to the following conditions and stipulations:

First. That the grant hereby made is restricted in its exterior limits to the boundaries of the said legal subdivisions, as hereinbefore described, and to any veins or lodes of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, which may hereafter be discovered within said limits, and which are not claimed or known to exist at the date hereof.

Second. That should any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at the date hereof, the same is expressly excepted and excluded from these presents.

Third. That the premises hereby conveyed may be entered by the proprietor of any vein or lode of quartz or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, for the purpose of extracting and removing the ore from such vein, lode, or deposit, should the same, or any part thereof, be found to penetrate, intersect, pass through, or dip into the mining ground or premises hereby granted.

Fourth. That the premises hereby conveyed shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local laws, customs, and decisions of courts.

Fifth. That in the absence of necessary legislation by Congress, the legislature of Montana may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to the complete development thereof.

In testimony whereof, I, Rutherford B. Hayes, President of the United States of

America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the tenth day of December, in the year of our Lord one thousand eight hundred and eighty, and of the Independence of the United States the one hundred and fifth.

By the President:

[SEAL.]

R. B. HAYES,
By WM. H. CROOK,
Secretary.

S. W. CLARK,
Recorder of the General Land Office.
Recorded, vol. 54, pages 41 and 42.

FORM OF PATENT FOR VEIN OR LODE CLAIM.

General Land Office No. 4398.—Mineral Certificate No. 419.

The United States of America, to all to whom these presents shall come, greeting:

Whereas, in pursuance of the provisions of the Revised Statutes of the United States, chapter six, title thirty-two, there have been deposited in the General Land Office of the United States the plat and field notes of survey of the claim of John W. Roe upon the Brooklyn lode, accompanied by the certificate of the register of the land-office at Salt Lake City, in the Territory of Utah, whereby it appears that, in pursuance of the said Revised Statutes of the United States, John W. Roe did, on the thirty-first day of December, A. D. 1879, enter and pay for said mining claim or premises, being mineral entry No. 419, in the series of said office, designated by the Surveyor-General as lot No. 60, embracing a portion of the unsurveyed public domain, in the Ophir Mining District in the county of Tooele and Territory of Utah, in the district of lands subject to sale at Salt Lake City, containing one (1) acre and eighty-four hundredths ($\frac{84}{100}$) of an acre of land, more or less, and, according to the returns on file in the General Land Office, bounded, described, and platted as follows, with magnetic variation at sixteen (16) degrees and thirty-five (35) minutes east, to wit:

Beginning at corner No. 1, a cottonwood post, four (4) inches in diameter, marked "U. S. L. 60, No. 1"; thence north sixty-five (65) degrees thirty (30) minutes west, fifty (50) feet to centre of southwesterly boundary of the claim, from which discovery bears north twenty-six (26) degrees east, at the distance of four hundred (400) feet, ninety-eight and seven-tenths ($98\frac{7}{10}$) feet to a point on easterly boundary of lot No. 63, made for the Noyes lode, from which corner No. 1 of lot No. 63 bears south fourteen (14) degrees west at the distance of seventeen and seven-tenths ($17\frac{7}{10}$) feet, one hundred (100) feet to corner No. 2, a cottonwood post four (4) inches in diameter, in mound of stones, marked "U. S. L. 60, No. 2," from which U. S. Mineral Monument No. 6 bears south ten (10) degrees west at the distance of nine hundred and ninety-eight (998) feet; thence from said corner No. 2 north twenty-six (26) degrees east, six (6) feet to a point on easterly boundary of said lot No. 63, from which corner No. 1 of said lot No. 63 bears south fourteen (14) degrees west, at the distance of twenty-three and eight-tenths ($23\frac{8}{10}$) feet, eight hundred (800) feet to corner No. 3, a cottonwood post four (4) inches in diameter, marked "U. S. L. 60, No. 3"; thence south sixty-five (65) degrees thirty (30) minutes east, one hundred (100) feet to corner No. 4, a cottonwood post four (4) inches in diameter, marked "U. S. L. 60, No. 4"; thence south twenty-six (26) degrees west, eight hundred (800) feet to the place of beginning, containing one (1) acre and eighty-four hundredths ($\frac{84}{100}$) of an acre of land more or less, and embracing eight hundred (800) linear feet of the Brooklyn lode, to wit, four hundred (400) linear feet northeasterly and four hundred (400) linear feet southwesterly from discovery on said lode, as represented by yellow shading in the following plat: [Here follows diagram of claim, shaded in yellow.]

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the said Revised Statutes of the United States, have given and granted, and by these presents do give and grant unto the said John W. Roe and to his heirs and assigns, the said mining premises hereinbefore described as lot No. 60, embracing a portion of the unsurveyed public domain, with the exclusive right of possession and enjoyment of all the land included within the exterior lines of said survey not herein expressly excepted from these presents, and of eight hundred (800) linear feet of the said Brooklyn vein, lode, ledge, or deposit for the length hereinbefore described, throughout its entire depth, although it may enter the land adjoining, and also of all other veins, lodes, ledges, or deposits throughout their entire depth, the tops or apexes of which lie inside the exterior lines of said survey at the surface extended downward vertically, although such veins, lodes, ledges, or deposits in their

downward course may so far depart from a perpendicular as to extend outside the vertical side lines of said survey: *Provided*, That the right of possession hereby granted to such outside parts of said veins, lodes, ledges, or deposits shall be confined to such portions thereof as lie between vertical planes drawn downward through the end lines of said survey at the surface, so continued in their own direction that such vertical planes will intersect such exterior parts of said veins, lodes, ledges, or deposits: *And provided further*, That nothing in this conveyance shall authorize the grantee herein, his heirs or assigns, to enter upon the *surface* of a mining claim owned or possessed by another: To have and to hold said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said John W. Roe, and to his heirs and assigns forever, subject, nevertheless, to the following conditions and stipulations:

First. That the grant hereby made is restricted to the land hereinbefore described as lot No. 60, with eight hundred (800) linear feet of the Brooklyn vein, lode, ledge, or deposit for the length aforesaid throughout its entire depth as aforesaid, together with all other veins, lodes, ledges, or deposits throughout their entire depths as aforesaid, the tops or apexes of which lie inside the exterior lines of said survey.

Second. That the premises hereby conveyed, with the exception of the surface, may be entered by the proprietor of any other vein, lode, ledge, or deposit, the top or apex of which lies outside the exterior limits of said survey, should the same in its downward course be found to penetrate, intersect, extend into, or underlie the premises hereby granted, for the purpose of extracting and removing the ore from such other vein, lode, ledge, or deposit.

Third. That the premises hereby conveyed shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local laws, customs, and decisions of courts.

Fourth. That in the absence of necessary legislation by Congress, the legislature of Utah may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to its complete development.

In testimony whereof, I, Rutherford B. Hayes, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the tenth day of December, in the year of our Lord one thousand eight hundred and eighty, and of the Independence of the United States the one hundred and fifth.

By the President:

[SEAL.]

R. B. HAYES,
By WM. H. CROOK,
Secretary.

S. W. CLARK,
Recorder General Land Office.
Recorded, vol. 54, pages 43 to 45, inclusive.

CHAPTER XXVII.

HOMESTEADS.

ACT OF MAY 20, 1862, AND AMENDMENTS TO JUNE 30, 1880.

The general policy of Congress in the disposition of the public domain after 1783 is traced in the first part of this work down to about the year 1841, concluding with the pre-emption act. The homestead bill, or the granting of free homes from and on the public domain, became a national question in 1852. The Free Soil Democracy, at Pittsburg, Pa., August 11, 1852, in National Convention, nominated John P. Hale, of New Hampshire, and George W. Julian, of Indiana, for President and Vice-President, and adopted the following as the 12th plank or resolution in their platform:

That the public lands of the United States belong to the people, and should not be sold to individuals, nor granted to corporations, but should be held as a sacred trust for the benefit of the people, and should be granted in limited quantities, free of cost, to landless settlers.

Thereafter it became a national question until its passage in 1862, and was in the platforms of political parties. It was petitioned for and against. Public sentiment was aroused. It was a serious innovation and would cause an almost entire change in the settlement laws. Instead of the public lands being sold for cash, for profit, or being taken, first, under the pre-emption system, which eventuated in cash purchases, they were to be given to actual settlers who would occupy, improve, and cultivate them for a term of years, and then receive a patent free of acreage charges, with fees paid by the homesteader sufficient to cover cost of survey and transfer of title.

It was the third and most important step in the history of the public land system. Once adopted, no person could estimate its moral, social, and political effects.

The public land system for eighty years prior to 1862 had attracted the attention of the ablest men in the Nation. The chairmen of committees in Congress charged with its care were able and inquiring men. This third change and new system was the result of experience and investigation by some of the profoundest men of the age. Philosophers rung the changes upon it. Political economists had foretold its failure, or had dwelt upon the evil effects of large holdings. Prior to this time, large purchases from the Government or States had usually resulted in the bankruptcy of the holders. (For tables showing the decrease of the area of farms in the land States and Territories, from decade to decade, see "Compendium of eighth and ninth censuses.")

The land system has had the benefit of the marvelous ability of Alexander Hamilton, the experience of Mr. Jefferson, Mr. Madison, Albert Gallatin, the officers of the Treasury Department, the Commissioners of the General Land Office after 1812—who were, in many instances, men of great ability and practical sense—the Secretaries of the Interior after 1849, Congressional committees by reports and investigations, the rulings of Departments and courts, the aid of numerous able land attorneys, and finally the complaints or commendations of settlers relative to existing laws, with their petitions for or against measures—the most potent of all agencies with Congress.

The rich and fertile lands of the Mississippi Valley were fast filling up with settlers. Agricultural lands in the Middle States, which, after the year 1824, were bought for $1.25 per acre, now sold at from $50 to $80 per acre. Former purchasers of these Government lands in the Middle, Western, and Southern States, were selling their early purchases for this great advance, and moving west, to Iowa, Wisconsin,

Minnesota, and Missouri, and there again taking cheap Government lands under the pre-emption laws.

The western emigration caused a rush—a migration of neighborhoods in many localities of the older Western States. Following the sun, their pillar of fire, these State founders moved westward, a resistless army of agents of American civilization, and there was a demand for homes on the public lands, and a strong pressure for the enactment of a law which should confine locators to small tracts, and require actual occupation, improvement, and cultivation.

CONGRESSIONAL ACTION ON THE HOMESTEAD LAW.

A fierce political battle now ensued, beginning in 1854, and continuing until 1862, the year of the passage of the law. The demand of the settlers was incessant and constant. January 20, 1859, in the House of Representatives, a bill relating to pre-emption was pending. Mr. Galusha A. Grow, of Pennsylvania, moved to amend as follows:

Be it further enacted, That from and after the passage of this act no public land shall be exposed to sale by proclamation of the President, unless the same shall have been surveyed, and the return of such survey duly filed in the Land Office, for ten years or more before such sale.

A motion now followed to refer the bill and amendments to the Committee of the Whole. Defeated. Yeas, 90; nays, 92.

On the motion to incorporate the above clause with the pre-emption act, the yeas were 98 and the nays 81, and it was so ordered.

The bill, as amended, was put upon its passage, and defeated. Yeas, 91; nays, 95.

February 1, 1859, the question before the House was House bill No. 72, a bill to secure homesteads to actual settlers, being in the words following:

A BILL to secure homesteads to actual settlers on the public domain.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his intention to become such, as required by the naturalization laws of the United States, shall, from and after the passage of this act, be entitled to enter, free of cost, one quarter-section of vacant and unappropriated public lands which may, at the time the application is made, be subject to private entry, at $1.25 per acre, or a quantity equal thereto, to be located in a body, in conformity with the legal subdivisions of public lands, and after the same shall have been surveyed.

SEC. 2. *And be it further enacted*, That the person applying for the benefit of this act shall, upon application to the register of the land-office in which he or she is about to make such entry, make affidavit before the said register that he or she is the head of a family, or is twenty-one years or more of age, and that such application is made for his or her exclusive use and benefit, and those specially mentioned in this act, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon making the affidavit as above required, and filing the affidavit with the register, he or she shall thereupon be permitted to enter the quantity of land already specified: *Provided, however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time thereafter, the person making such entry, or, if he be dead, his widow, or, in case of her death, his heirs or devisee, or in case of a widow making such entry, her heirs or devisee, in case of her death, shall prove by two creditable witnesses that he, she, or they, have continued to reside upon and cultivate such land, and still reside upon the same, and have not alienated the same, or any part thereof, then, in such case, he, she, or they, if at that time a citizen of the United States, shall, on payment of ten dollars, be entitled to a patent, as in other cases provided for by law: *And provided, further*, In case of the death of both father and mother, leaving an infant chi d or children under twenty one years of age, the right and the fee shall inure to the benefit of said infant child or children, and the executor, administrator or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States.

SEC. 3. *And be it further enacted*, That the register of the land-office shall note all such applications on the tract-books and plats of his office, and keep a register of all

such entries, and make a return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted*, That all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing the patent therefor.

SEC. 5. *And be it further enacted*, That if, at any time after the filing the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land-office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said entry for more than six months at any time, then, and in that event, the land so entered shall revert back to the Government, and be disposed of as other public lands are now by law, subject to an appeal to the General Land Office.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to make more than one entry under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land-offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one-half to be paid by the person making the application, at the time so doing, and the other half on the issue of the certificate by the person to whom it may be issued: *Provided*, That nothing in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights.

The previous question having been ordered, the House proceeded to vote upon the bill without debate.

A motion to lay on the table was lost; yeas 77, nays 113; and the bill was then passed; yeas 120, nays 76.

Yeas.

Maine.—Abbott, Foster, Gilman, Morse, Washburn.
New Hampshire.—Cragin, Pike, Tappan.
Vermont.—Morrill, Royce, Walton.
Massachusetts.—Buffinton, Burlingame, Chaffee, Comins, Davis, Dawes, Gooch, Hall, Knapp, Thayer.
Rhode Island.—Brayton, Durfee.
Connecticut.—Bishop, Clark, Dean.
New York.—Andrews, Barr, Burroughs, C. B. Cochrane, John Cochrane, Corning, Dodd, Fenton, Goodwin, Granger, Haskin, Hatch, Hoard, Kelsey, Maclay, Matteson, Morgan, Morse, Murray, Olin, Palmer, Parker, Pottle, Russell, Spinner, Taylor, Ward.
New Jersey.—Adrian, Clawson, Robbins, Wortendyke.
Pennsylvania.—Covode, Dick, Florence, Grow, Hickman, Keim, Morris, Phillips, Purviance, Reilly, Roberts, Stewart, Kunkel.
Tennessee.—Jones.
Kentucky.—Jewett.
Ohio.—B'ngham, Bliss, Burns, Cockerill, Cox, Giddings, Groesbeck, Hall, Harlan, Horton, Lawrence, I eiter, Miller, Pendleton, Sherman, Stanton, Tompkins, Vallandigham, Wade.
Indiana.—Case, Colfax, Davis, Foley, Gregg, Kilgore, Pettit, Wilson.
Illinois.—Farnsworth, Hodges, Kellogg, Lovejoy, Morris, Smith, Washburne.
Michigan.—Howard, Leach, Wallbridge, Waldron.
Wisconsin.—Billinghurst, Potter, Washburn.
Minnesota.—Cavanaugh, Phelps.
Iowa.—Curtis, Davis.
Missouri.—Craig.
California.—McKibbin, Scott.—Total, 120.

Nays.

Pennsylvania.—Leidy.
Delaware.—Whiteley.
Maryland.—Bowie, Davis, Harris, Kunkel, Ricaud, Stewart.
Virginia.—Bocock, Caskie, Edmundson, Faulkner, Garnett, Goode, Hopkins, Jenkins, Letcher, Millson, Smith.
North Carolina.—Branch, Craige, Gilmer, Ruffin, Scales, Shaw, Vance, Winslow.
South Carolina.—Bonham, Boyce, Keitt, McQueen, Miles.
Georgia.—Crawford, Gartrell, Hill, Jackson, Seward, Stephens, Trippe, Wright.
Alabama.—Cobb, Curry, Dowdell, Houston, Moore, Shorter, Stallworth.

Mississippi.—Barksdale, Lamar, McRae, Singleton.
Louisiana.—Eustis.
Texas.—Reagan.
Arkansas.—Greenwood.
Tennessee.—Atkins, Avery, Maynard, Ready, Smith, Watkins, Wright, Zollicoffer.
Kentucky.—Burnett, Marshall, Mason, Peyton, Underwood.
Ohio.—Nichols.
Indiana.—English, Hughes, Niblack.
Illinois.—Marshall, Shaw.
Missouri.—Anderson, Clark, Woodson.—Total, 76.

In the Senate, February 17, 1859, Mr. Wade, of Ohio, moved to postpone all prior orders and take up the homestead bill, which had passed the House.

Mr. Wade's motion was adopted.

YEAS.—Messrs. Bright, Broderick, Chandler, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Gwin, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Pugh, Rice, Seward, Shields, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—26.

NAYS.—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chestnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Hammond, Hunter, Iverson, Lane, Mallory, Mason, Pearce, Reid, Slidell, Toombs, and Ward—23.

Mr. Hunter, of Virginia, moved that the homestead bill be laid aside so as to take up the diplomatic and consular appropriation bill.

Pending debate upon Mr. Hunter's motion, the hour of twelve o'clock arrived, and the Vice-President decided that the Cuba bill, having been assigned for that hour, was now before the Senate.

Mr. Wade moved to postpone the twelve o'clock order, and continue the consideration of the homestead bill. It was adopted.

YEAS.—Messrs. Bell, Bright, Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Pugh, Rice, Seward, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—27.

NAYS.—Messrs. Allen, Bates, Benjamin, Bigler, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Pearce, Reid, Sebastian, Slidell, Toombs, Ward, and Yulee—26.

The question, as stated by the Vice-President, was now upon Mr. Hunter's motion to set it aside, and take up the consular and diplomatic appropriation bill.

The vote on Mr. Hunter's motion resulted as follows:

YEAS.—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mallory, Mason, Pearce, Reid, Sebastian, Slidell, Toombs, Ward, and Yulee—28.

NAYS.—Messrs. Bell, Bright, Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Houston, Johnson of Tennessee, King, Pugh, Rice, Seward, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—28.

The vote being a tie, the Vice-President, Mr. Breckinridge, voted in the affirmative, and the homestead bill was laid aside.

February 19 Mr. Wade moved to set aside all prior orders and take up the homestead bill. This motion was negatived by the following vote:

YEAS.—Messrs. Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Hale, Hamlin, Harlan, Johnson of Tennessee, Jones, King, Pugh, Rice, Seward, Shields, Simmons, Stuart, Trumbull, Wade, and Wilson—24.

NAYS.—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Bright, Brown, Chestnut, Clay, Clingman, Crittenden, Davis, Fitch, Fitzpatrick, Green, Hammond, Houston, Hunter, Iverson, Kennedy, Mallory, Mason, Pearce, Polk, Reid, Sebastian, Slidell, Smith, Toombs, Ward, and Yulee—31.

February 25, upon the occasion of a motion by Mr. Slidell to postpone all prior orders and take up the bill for the purchase of Cuba, Mr. Doolittle, of Wisconsin, resisted, and called upon the friends of homesteads to vote it down, so that he himself might submit a motion to take up the homestead bill.

The vote was then taken, and the motion to take up the Cuba bill was adopted:

YEAS.—Messrs. Allen, Bayard, Bell, Benjamin, Bigler, Brown, Chestnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson,

Jones, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Smith, Stuart, Toombs, Ward, Wright, and Yulee—35.

NAYS.—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, Kennedy, King, Pearce, Seward, Simmons, Trumbull, Wade, and Wilson—24.

Ten o'clock in the evening Mr. Doolittle moved to set aside the Cuba bill and take up the homestead bill.

Mr. Doolittle's motion was lost.

YEAS—Messrs. Broderick, Cameron, Clark, Chandler, Collamer, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Seward, Simmons, Trumbull, Wade, and Wilson—19.

NAYS—Messrs. Allen, Benjamin, Bayard, Bigler, Brown, Chestnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Toombs, Ward, and Wright—29.

And this ended attempts at legislation on the subject at that session of Congress.

March 6, 1860, in the House of Representatives, Mr. Lovejoy, of Illinois, from the Committee on Public Lands, reported the following bill (previously introduced by Mr. Grow), which was read twice and committed to the Committee of the Whole.

A BILL to secure homesteads to actual settlers on the public domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his intention to become such, as required by the naturalization laws of the United States, shall, from and after the passage of this act, be entitled to enter, free of cost, one hundred and sixty acres of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents, or less, per acre: or eighty acres of such unappropriated lands, at two dollars and fifty cents per acre: to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed.

SEC. 2. *And be it further enacted,* That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one years or more of age, and that such application is made for his or her exclusive use and benefit, and those specially mentioned in this act, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon filing the affidavit with the register or receiver, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided, however,* That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry—or if he be dead, his widow; or in case of her death, his heirs or devisee: or in case of a widow making such entry, her heirs or devisee, in case of her death—shall prove by two credible witnesses that he, she, or they have resided upon and cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid; then, in such case, he, she, or they, if at that time a citizen of the United States, shall, on payment of ten dollars, be entitled to a patent, as in other cases provided for by law: *And provided further,* That in case of the death of both father and mother, leaving an infant child, or children, under twenty-one years of age, the right and fee shall inure to the benefit of said infant child, or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. *And be it further enacted,* That the register of the land office shall note all such applications on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted,* That all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. *And be it further enacted,* That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years

aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said entry for more than six months at any time, then, and in that event, the land so entered shall revert to the Government.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to make more than one entry under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one-half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate, by the person to whom it may be issued: *Provided*, That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights: *And provided further*, That all persons who may have filed their applications for a pre-emption right prior to the passage of this act shall be entitled to all privileges of this act.

Subsequently a motion was made by Mr. Lovejoy to reconsider the vote by which the bill had been referred to the Committee of the Whole. On Monday, March 12, Mr. Lovejoy called up this motion, and under the operation of the previous question it was agreed to, 106 to 67, as follows:

YEAS—Messrs. Adrain, Aldrich, Ashley, Babbitt, Bingham, Blake, Buffinton, Burlingame, Campbell, Carey, Carter, Case, John Cochrane, Colfax, Conkling, Cooper, Corwin, Covode, Cox, James Craig, Curtis, John G. Davis, Dawes, Delano, Duell, Dunn, Edgerton, Elliot, Fenton, Ferry, Florence, Foster, Fouke, Frank, French, Gooch, Graham, Grow, Gurley, Hale, Hall, Haskin, Helmick, Hoard, Holman, Howard, Hutchins, Junkin, Francis W. Kellogg, William Kellogg, Kilgore, Killinger, Larrabee, De Witt C. Leach, Lee, Logan, Loomis, Lovejoy, Maclay, Marston, Charles D. Martin, McClernand, McKean, McKnight, Millward, Moorhead, Morrill, Edward Joy Morris, Morse, Olin, Pendleton, Perry, Porter, Potter, Pottle, Rice, Riggs, Christopher Robinson, James C. Robinson, Royce, Schwartz, Scott, Scranton, Sedgwick, Sherman, Somes, Spinner, Stanton, Stout, Stratton, Tappan, Thayer, Tompkins, Train, Trimble, Vallandigham, Vandever, Verree, Waldron, Walton, Cadwalader C. Washburn, Ellihu B. Washburne, Israel Washburn, Wells, Windom, and Woodruff—106.

NAYS—Messrs. Green Adams, Thomas L. Anderson, William C. Anderson, Avery, Barksdale, Bocock, Bonham, Brabson, Branch, Bristow, Burch, Burnett, Clopton, Cobb, Carry, Reuben Davis, De Jarnette, Edmundson, English, Etheridge, Garnett, Gartrell, Gilmer, Hardeman, J. Morrison Harris, Hatton, Hill, Hindman, Houston, Hughes, Jackson, Jenkins, Jones, Keitt, Lamar, Landrum, Leake, Love, Mallory, Elbert S. Martin, Maynard, McQueen, McRae, Miles, Millson, Montgomery, Nelson, Niblack, Noell, Peyton, Pryor, Pugh, Reagan, Ruffin, Sickles, Simms, Singleton, William Smith, William N. H. Smith, Stevenson, Stokes, Underwood, Vance, Webster, Whiteley, Woodson, and Wright—67.

So the motion was reconsidered, and the bill was before the House. Mr. Lovejoy moved that the bill be engrossed and read a third time. Mr. Branch (N. C.) moved to lay the bill on the table. Lost, 62 to 112.

The House refused to lay the bill on the table; and it was read a third time and passed.

Yeas.

Maine.—Foster, French, Morse, Perry, Somes, Israel Washburn.
New Hampshire.—Marston, Tappan.
Vermont.—Morrill, Royce, Walton.
Massachusetts.—Buffinton, Dawes, Delano, Elliot, Gooch, Rice, Thayer, Train.
Connecticut.—Burnham, Ferry, Loomis, Woodruff.
Rhode Island.—Christopher Robinson.
New York.—Barr, Briggs, Carter, John Cochrane, Conkling, Duell, Fenton, Frank, Graham, Haskin, Hoard, Humphrey, Lee, Maclay, McKean, Olin, Pottle, Sickles, Spinner, Van Wyck, Wells.
New Jersey.—Adrain, Riggs, Stratton.
Pennsylvania.—Babbitt, Campbell, Covode, Florence, Grow, Hale, Hall, Hickman, Junkin, Killinger, McKnight, McPherson, Millward, E. Joy Morris, Schwartz, Scranton, Verree.
Ohio.—Ashley, Bingham, Blake, Carey, Corwin, Cox, Edgerton, Gurley, Helmick,

Howard, Hutchins, Charles D. Martin, Pendleton, Sherman, Stanton, Tompkins, Trimble, Vallandigham.

Michigan.—Cooper, Francis W. Kellogg, DeWitt C. Leach, Waldron.

Indiana.—Case, Colfax, John G. Davis, Dunn, English, Holman, Kilgore, Niblack, Porter, Wilson.

Illinois.—Fouke, Wm. Kellogg, Logan, Lovejoy, McClernand, James C. Robinson, E. B. Washburne.

Wisconsin.—Larrabee, Potter, C. C. Washburn.

Iowa.—Curtis, Vandever.

Minnesota.—Aldrich, Windom.

California.—Burch, Scott.

Oregon.—Stout.

Missouri.—James Craig. Total, 115.

Nays.

Pennsylvania.—Montgomery.

Delaware.—Whiteley.

Maryland.—H. Winter Davis, J. M. Harris, Hughes, Webster.

Virginia.—Bocock, De Jarnette, Edmundson, Garnett, Jenkins, Leake, Elbert S. Martin, Wilson, Pryor, William Smith.

North Carolina.—Branch, Gilmer, Ruffin, William N. H. Smith, Vance.

South Carolina.—Bonham, Keitt, McQueen, Miles.

Georgia.—Gartrell, Hardeman, Hill, Jackson, Jones, Love, Underwood.

Alabama.—Clopton, Cobb, Curry, Houston, Suydenham Moore, Pugh.

Mississippi.—Barksdale, Reuben Davis, Lamar, McRea, Singleton.

Louisiana.—Landrum.

Arkansas.—Hindman.

Texas.—Hamilton, Reagan.

Missouri.—Thomas L. Anderson, Noell, Woodson.

Tennessee.—Avery, Etheridge, Hatton, Maynard, Nelson, Stokes, Wright.

Kentucky.—Green Adams, William C. Anderson, Bristow, Burnett, Mallory, Peyton, Simms, Stevenson. Total, 65.

This bill was sent to the Senate, and referred to the Committee on Public Lands, and on the 17th of April, Mr. Johnson, of Tennessee, the chairman of that committee, reported a substitute for the House bill, granting homesteads to actual settlers, at 25 cents per acre, but not including pre-emptors then occupying the public lands. When this bill came before the Senate for action, Mr. Wade, of Ohio, moved to amend, by substituting the House bill, which was lost—

YEAS—Messrs. Anthony, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Foot, Foster, Grimes, Hale, Hamlin, King, Rice, Seward, Simmons, Sumner, Ten Eyck, Toombs, Trumbull, Wade, Wilkinson, and Wilson—26.

NAYS—Messrs. Bayard, Bigler, Bragg, Bright, Brown, Chestnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hemphill, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Latham, Mason, Nicholson, Polk, Powell, Pugh, Saulsbury, Sebastian, Slidell, Wigfall, and Yulee—31.

The Senate, May 10, 1860, passed Mr. Johnson's bill, 44 to 8, the nays being Messrs. Bragg, Clingman, Hamlin, Hunter, Mason, Pearce, Powell, and Toombs. The House refused to concur; the Senate refused to recede, and the result was a protracted conference on the part of the committees of the two Houses. They finally came to an agreement on June 19th, by the House accepting the Senate bill with slight amendments. On that day Mr. Schuyler Colfax reported to the House as follows:

Mr. COLFAX. I rise to a question of privilege. I am instructed by the committee of conference on the disagreeing votes of the two Houses on the homestead bill, to report that, after twelve meetings of the three different conferences that have been appointed, they this morning finally agreed. I hold in my hand the report of the committee, which can be read if any gentleman desires it. But perhaps it would render the report clearer and more intelligible if I should briefly state its leading features. The Senate bill all the members of the House are familiar with. The conferees upon the part of the House finding, after the most earnest efforts, that it would be utterly impossible for them to induce the Senate to agree to the House bill, have been discussing what changes could be made in the Senate bill, so as to render it acceptable enough for the House to accept, rather than the whole should fail. They have finally agreed upon a report as follows: In the first place, I will say that the bill, as it passed the Senate, provided that the pre-emptors now upon the public lands might remain there two years before they should be required to purchase their lands, but should then pay

for them at the rate of $1.25 per acre, thus removing them entirely from within the purview of the benefits which would apply to the settlers hereafter upon the public lands. This point the House conferees refused to accede to, and if persisted in, we should have again reported a disagreement. Finally, however, a compromise was arranged on this point, and to protect the pre-emptors now on the Government land, which was to be advertised this fall for sale, we changed the Senate bill so as to protect them for at least two years from land sales, and to allow them then to secure their homes at *one-half* the Government price, namely, sixty-two-and-a-half cents per acre. I need scarcely add, that, if the Senate could have been induced to give them the benefit of their twenty-five-cent-per-acre provision, we should have insisted on it inflexibly; but what I have stated is the very lowest point that could be obtained. The second change we have made in the Senate bill is in relation to the scope of land coming under the operations of the law. The House bill embraced all the Government land, offered or unoffered, except such as was specially reserved. The Senate bill confined its provisions to land subject to private entry, exclusively. As I have explained on a former occasion, the expression "subject to private entry" means such as are left after the lands have been once regularly brought into market, exposed to public sale, and the speculators have taken such as they see fit to purchase. The difference between these two bills seemed so radical as to be incapable of adjustment; and the scope of farming land covered by the Senate bill was so limited, there being but little, if any, in Minnesota, Kansas, Nebraska, California, Oregon, and Washington, that the House conferees declined to accept it. But on this, too, we finally effected a compromise. By our report, all the land subject to private entry is included, and, *in addition*, all the odd-numbered sections of the surveyed public lands, which have not been opened to public sale—a most material and beneficent enlargement of the Senate bill. We were offered, after this agreement, whichever half of the unoffered lands we chose, and we took the odd-numbered sections. The reason for this was, that the 16th section of a township, being reserved for school purposes by our land laws, the four *adjoining* sections to it, on the north, west, east, and south, are sections 9, 15, 17, and 21, all odd-numbered sections, which are thus saved for homestead settlers, who have reserved for them 18 out of the 35 disposable sections in each township of six miles square.

On all these lands actual settlers, who are heads of families, are allowed, after having occupied the land for five years, to purchase at 25 cents per acre, which is about the average cost price of the public lands to the Government. We struggled, of course, to include all young men over 21 who are not heads of families, and to adopt the free homestead principle of the House bill; but on these points the Senate was inflexible, and we took what we did because it was the very best we could get. The Senate bill originally provided that the homestead settler might acquire title to his land at any time by paying full Government prices; but desiring to promote actual settlement, we now provide that he cannot do this till after he has been on the land six months. When he stays, or his family if he deceases, the full five years, he obtains it at 25 cents per acre. The Senate have also agreed to strike out the eighth section of their bill, which made it imperative upon the President to expose all public lands to sale within two years after they shall have been surveyed, which we held would be peculiarly oppressive upon the pioneers who had gone to the frontier to settle upon the public lands, and to which we could never have consented. Now, Mr. Speaker, I desire to state, in conclusion, that the compromise we have made upon the subject is not in accordance with what I should desire to have passed, if I had the power to frame the bill myself; but it is the very utmost we could obtain from the Senate, as now constituted. The Senators who served with us on the conference have been notified by me, and also by my colleague (Mr. Windom, of Minnesota), that we regard this as but a single step in advance toward a law which we shall demand from the American Congress, enacting a comprehensive and liberal homestead policy. This we have agreed to as merely an *avant courrier*. We shall demand it at the next session of Congress, and until it is granted—until all the public lands shall be open to all the people of the United States; and I state this publicly, that no one shall regard us as estopped hereafter, because we accepted this half-way measure rather than to allow the whole to fail. I should have added that all persons, whether citizens or those who have only declared their intentions, are allowed to go on the lands under this bill, but are required to perfect their naturalization before the five years expire and the patent issues. I now demand the previous question on concurring in the report of the committee, and passing the bill as thus amended.

Mr. FARNSWORTH. I desire to ask the gentleman from Indiana whether this bill confines its benefits to those who are heads of families.

Mr. COLFAX. It does, because we failed, despite our utmost efforts, in procuring its extension to all; but we shall appeal to the young men to demand of those who make and who execute the laws that the system inaugurated by this bill shall be widened so as to admit them to its benefits; and I will join them in this demand.

Mr. GROW. I just desire to say that we have taken this bill, not because it is what we want, but on the principle that "half a loaf is better than no bread."

The House agreed to the report of the committee, 115 to 51, as follows:

YEAS—Messrs. Ashley, Babbitt, Barr, Bingham, Francis P. Blair, Samuel S. Blair, Blake, Brayton, Briggs, Buffinton, Burch, Burlingame, Burnham, Butterfield, Campbell, Carey, Carter, Case, Horace F. Clark, Cobb, Colfax, Corwin, Covode, Cox, Curtis, John G. Davis, Dawes, Delano, Duell, Dunn, Edgerton, Edwards, Elliot, Ely, Ferry, Florence, Foster, Frank, French, Gooch, Graham, Grow, Gurley, Hale, Hall, Haskin, Helmick, Hoard, Wm. Howard, Humphrey, Hutchins, Junkin, Francis W. Kellogg, Wm. Kellogg, Kenyon, Killinger, DeWitt C. Leach, Lee, Longnecker, Loomis, Maclay, Marston, McKean, McKnight, McPherson, Millward, Moorhead, Morrill, Edward Joy Morris, Isaac N. Morris, Morse, Niblack, Nixon, Olin, Palmer, Pendleton, Perry, Pettit, Phelps, Porter, Potter, Rice, Riggs, Christopher Robinson, Royce, Sedgwick, Sherman, Somes, Spaulding, Spinner, Stanton, William Stewart, Stout, Tappan, Taylor, Thayer, Theaker, Tompkins, Train, Trimble, Vandever, Van Wyck, Verree, Wade, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wells, Windom, and Woodruff—115.

NAYS—Messrs. Green Adams, William C. Anderson, Ashmore, Avery, Barksdale, Bocock, Bonham, Boyce, Brabson, Branch, Burnett, Clopton, Burton Craige, Crawford, Curry, De Jarnette, Gilmer, Hardeman, J. Morrison Harris, John T. Harris, Hatton, Houston, Jenkins, Jones, Keitt, Landrum, James M. Leach, Leake, Love, Mallory, Maynard, McQueen, Miles, Millson, Suydenham Moore, Nelson, Peyton, Quarles, Reagan, Ruffin, William Smith, William N. H. Smith, Stevenson, Stokes, Thomas, Underwood, Vance, Webster, Winslow, Woodson, and Wright—51.

The Senate agreed to the report of the conference committee, 36 to 2—Messrs. Bragg and Pearce.

The following is the bill as it was finally reported by the conference committee and passed both Houses:

AN ACT to secure homesteads to actual settlers on the public domain, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family and a citizen of the United States shall, from and after the passage of this act, be entitled to enter one quarter-section of vacant and unappropriated public lands, or any less quantity, to be located in a body, in conformity with the legal subdivisions of the public lands, after the same shall have been surveyed, upon the following conditions: That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver of said land office that he or she is the head of a family, and is actually settled on the quarter-section, or other subdivision not exceeding a quarter-section, proposed to be entered, and that such application is made for his or her use and benefit, or for the use and benefit of those specially mentioned in this section, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever, and that he or she has never at any previous time had the benefit of this act; and upon making the affidavit as above required, and filing the same with the register, he or she shall thereupon be permitted to enter the quantity of land already specified: *Provided, however,* That no final certificate shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if, at the expiration of such time, the person making such entry, or, if he be dead, his widow, or, in case of her death, his child or children, or in case of a widow making such entry, her child or children, in case of her death, shall prove, by two credible witnesses, that he, she, or they—that is to say, some member or members of the same family—has or have erected a dwelling-house upon said land, and continued to reside upon and cultivate the same for the term of five years, and still reside upon the same (and that neither the said land or any part thereof has been alienated); then, in such case, he, she, or they, upon the payment of 25 cents per acre for the quantity entered, shall be entitled to a patent, as in other cases provided by law: *And provided further,* In case of the death of both father and mother, leaving a minor child or children, the right and the fee shall inure to the benefit of said minor child or children, and the guardian shall be authorized to perfect the entry for the beneficiaries, as if there had been a continued residence of the settler for five years: *Provided,* That nothing in this section shall be so construed as to embrace or in any way include any quarter-section or fractional quarter-section of land upon which any pre-emption right has been acquired prior to the passage of this act: *And provided further,* That all entries made under the provisions of this section, upon *lands which have not been offered for public sale, shall be confined to and upon sections designated by odd numbers.*

SEC. 2. *And be it further enacted,* That the register of the land office shall note all such

applications on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 3. *And be it further enacted*, That no land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts until after the issuing of the patent therefor.

SEC. 4. *And be it further enacted*, That if, at any time after filing the affidavit, as required in the first section of this act, and before the expiration of the five years aforesaid, it shall be proved, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have sworn falsely in any particular, or shall have voluntarily abandoned the possession and cultivation of the said land for more than six months at any time, or sold his right under the entry, then, and in either of those events, the register shall cancel the entry, and the land so entered shall revert to the Government, and be disposed of as other public lands are now by law, subject to an appeal to the Secretary of the Interior. And in no case shall any land, the entry whereof shall have been canceled, again be subject to occupation, or entry, or purchase, until the same shall have been reported to the General Land Office, and, by the direction of the President of the United States, again advertised and offered at public sale.

SEC. 5. *And be it further enacted*, That if any person, now or hereafter a resident of any one of the States or Territories, and not a citizen of the United States, but who at the time of making such application for the benefit of this act *shall have filed a declaration of intention*, as required by the naturalization laws of the United States, and shall have become a citizen of the same before the issuing of the patent as provided for in this act, such person shall be entitled to all the rights conferred by this act.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to enter more than one quarter-section or fractional quarter-section, and that in a compact body; but entries may be made at different times, under the provisions of this act; and that the Secretary of the Interior is hereby required to prepare and issue, from time to time, such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive, upon the filing of the first affidavit, the sum of 50 cents each and a like sum upon the issuing of the final certificate. But this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: *Provided*, That nothing in this act shall be so construed as to impair the existing pre-emption, donation, or graduation laws, or to embrace lands which have been reserved to be sold or entered at the price of $2.50 per acre; *but no entry under said graduation act, shall be allowed until after proof of actual settlement and cultivation or occupancy for at least three months*, as provided for in sec. 3 of the said act.

SEC. 7. *And be it further enacted*, That each actual settler upon lands of the United States, which have not been offered at public sale, upon filing his declaration or claim, as now required by law, shall be entitled to two years from the commencement of his occupation or settlement; or, if the lands have not been surveyed, two years from the receipt of the approved plat of such lands at the district land office, within which to complete the proofs of his said claim, and to enter and pay for the land so claimed, at minimum price of such lands; and where such settlements have already been made in good faith, the claimant shall he entitled to the said period of two years from and after the date of this act: *Provided*, That no claim of pre-emption shall be allowed for more than 160 acres, or one-quarter section of land, nor shall any such claim be admitted under the provisions of this act, unless there shall have been at least three months of actual and continuous residence upon and cultivation of the land so claimed from the date of settlement, and proof thereof made according to law: *Provided further*, That any claimant under the pre-emption laws may take less than 160 acres by legal subdivisions: *Provided further*, That all persons who are *pre-emptors*, on the date of this act, shall, *upon the payment to the proper authority of 62½ cents per acre, if paid within two years from the passage of this act*, be entitled to a patent from the Government, as now provided by the existing pre-emption laws.

SEC. 8. *And be it further enacted*, That the 5th section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the 3d of March, in the year 1857, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 9. *And be it further enacted*, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefit of the first section of this act from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time after an actual settlement of six months, and before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases provided by law.

SEC. 10. *And be it further enacted*, That all lands lying within the limits of a State

which have been subject to sale at private entry, and which remain unsold after the lapse of thirty years, shall be, and the same are hereby, ceded to the State in which the same may be situated; *Provided*, These cessions shall in no way invalidate any inceptive pre-emption right or location, or any entry under this act, nor any sale or sales which may be made by the United States before the lands hereby ceded shall be certified to the State, as they are hereby required to be, under such regulations as may be prescribed by the Secretary of the Interior: *And provided further*, That no cessions shall take effect until after the States, by legislative act, shall have assented to the same.

VETO OF THE HOMESTEAD BILL.

June 23 the President Buchanan returned the bill to the Senate with his veto, as follows:

To the Senate of the United States:

I return, with my objections, to the Senate, in which it originated, the bill entitled "An act to secure homesteads to actual settlers on the public domain and for other purposes," presented to me on the 20th instant.

This bill gives to every citizen of the United States "who is the head of a family," and to every person of foreign birth residing in the country who has declared his intention to become a citizen, though he may not be the head of a family, the privilege of appropriating to himself one hundred and sixty acres of Government land, of settling and residing upon it for five years; and should his residence continue until the end of this period he shall then receive a patent on the payment of twenty-five cents per acre, or one-fifth of the present Government price. During this period the land is protected from all the debts of the settler.

This bill also contains a cession to the States of all the public lands within their respective limits "which have been subject to sale at private entry, and which remain unsold after the lapse of thirty years." This provision embraces a present donation to the States of twelve millions two hundred and twenty-nine thousand seven hundred and thirty-one acres, and will, from time to time, transfer to them large bodies of such lands which, from peculiar circumstances, may not be absorbed by private purchase and settlement.

To the actual settler this bill does not make an absolute donation; but the price is so small that it can scarcely be called a sale. It is nominally twenty-five cents per acre; but considering this is not to be paid until the end of five years, it is, in fact, reduced to about eighteen cents per acre, or one-seventh of the present minimum price of the public lands. In regard to the States, it is an absolute and unqualified gift.

I. This state of the facts raises the question whether Congress, under the Constitution, has the power to give away the public lands, either to States or individuals. On this question I expressed a decided opinion in my message to the House of Representatives, of the 24th February, 1859, returning the agricultural college bill. This opinion remains unchanged. The argument then used applies, as a constitutional objection, with the greater force to the present bill. There it had the plea of consideration, growing out of a specific beneficial purpose; here, it is an absolute gratuity to the State without the pretext of consideration. I am compelled, for want of time, in these last hours of the session, to quote largely from this message.

I presume the general proposition will be admitted, that Congress does not possess the power to make donations of money, already in the Treasury, raised by taxes on the people, either to States or individuals.

But it is contended that the public lands are placed upon a different footing from money raised by taxation, and that the proceeds arising from their sale are not subject to the limitations of the Constitution, but may be appropriated or given away by Congress, at its own discretion, to States, corporations, or individuals, for any purpose they may deem expedient.

The advocates of this bill attempt to sustain their position upon the language of the second clause of the third section of the fourth article of the Constitution, which declares that "the Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States." They contend that by a fair interpretation of the words "dispose of" in this clause, Congress possesses the power to make this gift of public lands to the States for purposes of education.

It would require clear and strong evidence to induce the belief that the framers of the Constitution, after having limited the powers of Congress to certain precise and specific objects, intended, by employing the words "dispose of," to give that body unlimited power over the vast public domain. It would be a strange anomaly indeed, to have created two funds, the one by taxation, confined to the execution of the enumerated powers delegated to Congress, and the other from the public lands, applicable to all subjects, foreign and domestic, which Congress might designate. That this fund should be "disposed of," not to pay the debts of the United States,

nor "to raise and support armies," nor "to provide and maintain a navy," nor to accomplish any one of the other great objects enumerated in the Constitution, but be diverted from them to pay the debts of the States, to educate their people, and to carry into effect any other measure of their domestic policy—this would be to confer upon Congress a vast and irresponsible authority, utterly at war with the well-known jealousy of the Federal power which prevailed at the formation of the Constitution. The natural intendment would be that, as the Constitution confined Congress to well-defined specific powers, the funds placed at their command, whether in land or money, should be appropriated to the performance of the duties corresponding with these powers. If not, a Government has been created, with all its other powers carefully limited, but without any limitation in respect to the public lands.

But I cannot so read the words "disposed of" as to make them embrace the idea of "giving away." The true meaning of words is always to be ascertained by the subject to which they are applied, and the known general intent of the law-giver. Congress is trustee under the Constitution for the people of the United States to "dispose of" their public lands, and I think I may venture to assert with confidence that no case can be found in which a trustee in the position of Congress has been authorized to "*dispose of*" property by its owner, where it has ever been held that these words authorized such trustee to give away the fund intrusted to his care. No trustee, when called upon to account for the disposition of the property placed under his management before any judicial tribunal, would venture to present such a plea in his defense. The true meaning of these words is clearly stated by Chief-Justice Taney in delivering the opinion of the court (19 Howard, p. 436). He says, in reference to this clause of the Constitution, "It begins its enumeration of powers by that of disposing; in other words, making sale of the lands, or raising money from them, which, as we have already said, was the main object of the cession (from the States), and which is the first thing provided for in the article." It is unnecessary to refer to the history of the times to establish the known fact that this statement of the Chief-Justice is perfectly well founded. That it never was intended by the framers of the Constitution that these lands should be given away by Congress is manifest from the concluding portion of the same clause. By it, Congress has power not only "to dispose of" the territory, but of the "other property of the United States." In the language of the Chief-Justice (p. 437): "And the same power of making needful rules respecting the territory is in precisely the same language applied to the other property of the United States, associating the power over the territory, in this respect, with the power over movable or personal property—that is, the ships, arms, or munitions of war, which then belonged in common to the State sovereignties."

The question is still clearer in regard to the public lands in the States and Territories within the Louisiana and Florida purchases. These lands were paid for out of the public Treasury from money raised by taxation. Now, if Congress had no power to appropriate the money with which these lands were purchased, is it not clear that the power over the lands is equally limited? The mere conversion of this money into land could not confer upon Congress new power over the disposition of land which they had not possessed over money. If it could, then a trustee, by changing the character of the fund intrusted to his care for special objects from money into land, might give the land away, or devote it to any purpose he thought proper, however foreign from the trust. The inference is irresistible that this land partakes of the very same character with the money paid for it, and can be devoted to no objects different from those to which the money could have been devoted. If this were not the case, then, by the purchase of a new Territory from a foreign government out of the public Treasury, Congress could enlarge their own powers, and appropriate the proceeds of the sales of the land thus purchased, at their own discretion, to other and far different objects from what they could have applied the purchase money which had been raised by taxation.

II. It will prove unequal and unjust in its operation among the actual settlers themselves.

The first settlers of a new country are a most meritorious class. They brave the dangers of savage warfare, suffer the privations of a frontier life, and, with the hand of toil, bring the wilderness into cultivation. The "old settlers," as they are everywhere called, are public benefactors. This class have all paid for their lands the Government price, or $1.25 per acre. They have constructed roads, established schools, and laid the foundation of prosperous Commonwealths. Is it just, is it equal, that, after they have accomplished all this by their labor, new settlers should come in among them and receive their farms at the price of twenty-five or eighteen cents per acre? Surely the old settlers, as a class, are entitled to at least equal benefits with the new. If you give the new settlers their lands for a comparatively nominal price, upon every principle of equality and justice, you will be obliged to refund out of the common Treasury the difference which the old have paid above the new settlers for their land.

III. This bill will do great injustice to the old soldiers who have received land warrants for their services in fighting the battles of their country. It will greatly reduce

the market value of these warrants. Already their value has sunk, for one-hundred-and-sixty-acre warrants, to sixty-seven cents per acre, under an apprehension that such a measure as this might become a law. What price would they command, when any head of a family may take possession of a quarter-section of land, and not pay for it until the end of five years, and then at the rate of only twenty-five cents per acre? The magnitude of the interest to be affected will appear in the fact that there are outstanding unsatisfied land warrants, reaching back to the last war with Great Britain, and even Revolutionary times, amounting in round numbers, to seven and a half million acres.

IV. This bill will prove unequal and unjust in its operation, because from its nature, it is confined to one class of our people. It is a boon expressly conferred upon the cultivators of the soil. While it is cheerfully admitted that these are the most numerous and useful class of our fellow-citizens, and eminently deserve all the advantages which our laws have already extended to them, yet there should be no new legislation which would operate to the injury or embarassment of the large body of respectable artisans and laborers. The mechanic who emigrates to the West, and pursues his calling, must labor long before he can purchase a quarter-section of land; while the tiller of the soil who accompanies him obtains a farm at once by the bounty of the Government. The numerous body of mechanics in our large cities cannot, even by emigrating to the West, take advantage of the provisions of this bill without entering upon a new occupation, for which their habits of life have rendered them unfit.

V. This bill is unjust to the old States of the Union in many respects; and among these States, so far as the public lands are concerned, we may enumerate every State east of the Mississippi, with the exception of Wisconsin and a portion of Minnesota.

It is a common belief, within their limits, that the older States of the confederacy do not derive their proportionate benefit from the public lands. This is not a just opinion. It is doubtful whether they could be rendered more beneficial to these States under any other system than that which at present exists. Their proceeds go into the common Treasury to accomplish the objects of the Government, and in this manner all the States are benefited in just proportion. But to give this common inheritance away would deprive the old States of their just proportion of this revenue, without holding out any, the least, corresponding advantage. While it is our common glory that the new States have become so prosperous and populous, there is no good reason why the old States should offer premiums to their own citizens to emigrate from them to the West. That land of promise presents in itself sufficient allurements to our young and enterprising citizens, without any adventitious aid. The offer of free farms would probably have a powerful effect in encouraging emigration, especially from States like Illinois, Tennessee, and Kentucky, to the west of the Mississippi, and could not fail to reduce the price of property within their limits. An individual in States thus situated would not pay its fair value for land when, by crossing the Mississippi, he could go upon the public lands, and obtain a farm almost without money and without price.

VI. This bill will open one vast field for speculation. Men will not pay $1.25 for lands when they can purchase them for one-fifth of that price. Large numbers of actual settlers will be carried out by capitalists upon agreements to give them half of the land for the improvement of the other half. This cannot be avoided. Secret agreements of this kind will be numerous. In the entry of graduated lands the experience of the Land Office justifies this objection.

VII. We ought ever to maintain the most perfect equality between native and naturalized citizens. They are equal, and ought always to remain equal, before the laws. Our laws welcome foreigners to our shores, and their rights will ever be respected. While these are the sentiments on which I have acted through life, it is not, in my opinion, expedient to proclaim to all the nations of the earth that whoever shall arrive in this country from a foreign shore, and declare his intention to become a citizen, shall receive a farm of 160 acres, at a cost of 25 or 20 cents per acre, if he will only reside on it and cultivate it. The invitation extends to all; and if this bill becomes a law, we may have numerous actual settlers from China, and other Eastern nations, enjoying its benefits on the great Pacific slope. The bill makes a distinction in favor of such persons over native and naturalized citizens. When applied to such citizens, it is confined to such as are the heads of families; but when applicable to persons of foreign birth recently arrived on our shores, there is no such restriction. Such persons need not be the heads of families, provided they have filed a declaration of intention to become citizens. Perhaps this distinction was an inadvertence; but it is, nevertheless, a part of the bill.

VIII. The bill creates an unjust distinction between persons claiming the benefit of the pre-emption laws. While it reduces the price of the land to existing pre-emptors to 62½ cents per acre, and gives them a credit on this sum for two years from the present date, no matter how long they may have hitherto enjoyed the land, future pre-emptors will be compelled to pay double this price per acre. There is no reason or justice in this discrimination.

IX. The effect of this bill on the public revenue must be apparent to all. Should it become a law, the reduction of the price of lands to actual settlers to 25 cents per acre with a credit of five years, and the reduction of its price to existing pre-emptors to 62½ cents per acre, with a credit of two years will so diminish the sale of other public lands as to render the expectation of future revenue from that source beyond the expenses of survey and management illusory. The Secretary of the Interior estimated the revenue from the public lands for the next fiscal year at $4,000,000 on the presumption that the present land system would remain unchanged. Should this bill become a law, he does not believe that $1,000,000 will be derived from this source.

This bill lays the ax at the root of our present admirable land system. The public land is an inheritance of vast value to us and to our descendants. It is a resource to which we can resort in the hour of difficulty and danger. It has been managed heretofore with the greatest wisdom under existing laws. In this management the rights of actual settlers have been conciliated with the interests of the Government. The price to all has been reduced from $2 per acre to $1.25 for fresh lands, and the claims of actual settlers have been secured by our pre-emption laws. Any man can now acquire a title in fee simple to a homestead of 80 acres, at the minimum price of $1.25 per acre for $100. Should the present system remain, we shall derive a revenue from the public lands of $10,000,000 per annum, when the bounty land warrants are satisfied, without oppression to any human being. In the time of war, when all other sources of revenue are seriously impaired, this will remain intact. It may become the best security for public loans hereafter, in times of difficulty and danger, as it has been heretofore. Why should we impair or destroy this system at the present moment? What necessity exists for it?

The people of the United States have advanced with steady but rapid strides to their present condition of power and prosperity. They have been guided in their progress by the fixed principle of protecting the equal rights of all, whether they be rich or poor. No agrarian sentiment has ever prevailed among them. The honest poor man, by frugality and industry can, in any part of our country, acquire a competence for himself and his family, and in doing this he feels that he eats the bread of independence. He desires no charity, either from the Government or from his neighbors. This bill, which proposes to give him land at an almost nominal price, out of the property of the Government, will go far to demoralize the people, and repress this noble spirit of independence. It may introduce among us those pernicious social theories which have proved so disastrous in other countries.

JAMES BUCHANAN.

WASHINGTON, *June* 22, 1860.

In the Senate the question, Shall this bill pass notwithstanding the objections of the President? was lost:

YEAS—Messrs. Anthony, Brown, Chandler, Clark, Doolittle, Durkee, Fessenden, Fitch, Foot, Foster, Gwin, Hale, Hamlin, Harlan, King, Lane, Latham, Nicholson, Polk, Pugh, Rice, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—28.

NAYS—Messrs. Bragg, Chesnut, Crittenden, Davis, Fitzpatrick, Green, Hemphill, Hunter, Iverson, Johnson (Tenn.), Johnson (Ark.), Mallory, Mason, Pearce, Powell, Sebastian, Wigfall, Yulee—18.

So the bill failed, not having received the requisite two-thirds vote necessary to pass it over the Executive veto.

IN CONGRESS, JULY 8, 1861.

During the first session of the Thirty-seventh Congress, on July 8, 1861, Mr. Aldrich, by unanimous consent, introduced a bill to secure homesteads to actual settlers upon the public domain; which was read a first and second time and referred to the Committee on Agriculture.

December 4, 1861, Mr. Lovejoy, chairman of the Committee on Agriculture, reported back bill of Mr. Aldrich and moved the previous question. Mr. Vallandigham desired Mr. Lovejoy to withdraw his call for the previous question. Mr. Lovejoy refused. Mr. Vallandigham then called for a division. The call for the previous question was seconded—ayes 55, noes 38. Mr. Vallandigham demanded the yeas and nays on ordering the main question to be put. The yeas and nays were ordered. The question was taken, and decided in the negative—yeas 58, nays 69—as follows:

YEAS—Messrs. Aldrich, Arnold, Babbitt, Baker, Baxter, Beaman, Bingham, Jacob P. Blair, Samuel S. Blair, Blake, Buffington, Burnham, Chamberlin, Clark, Colfax, Fred. A. Conkling, Conway, Davis, Delano, Diver, Duell, Edgerton, Fenton, Fessen-

den, Franchot, Hanchett, Hickman, Hooper, Loomis, Lovejoy, McPherson, Marston, Mitchell, Moorhead, Anson P. Morrill, Batton, T. G. Phelps, Pike, Alex. H. Rice, Jno. H. Rice, Sargeant, Sedgewick, Sheffield, Sherman, Sloan, Spaulding, Stevens, Trowbridge, Upton, Vandever, Van Horn, Van Valkenburg, Van Wyck, Wallace, Chas. W. Walton, Wheeler, Albert S. White, and Wright—58.

NAYS—Messrs. Allen, Alley, Ancona, Ashley, Biddle, Campbell, Cobb, Roscoe Conkling, Corning, Cox, Cravers, Crisfield, Daws, Dunlap, Dunn, Edwards, Elliot, English, Gooch, Goodwin, Granger, Harding, Harrison, Holman, Horton, Hutchins, Julian, Kelley, Wm. Kellogg, Law, Lazear, Leary, Lehman, McKnight, Maynard, Menzies, Justin S. Morrill, Morris, Nixon, Noble, Noell, Norton, Odell, Olin, Perry, Potter, Richardson, Riddle, Robinson, Edward H. Rollins, Shellabarger, Shiel, Smith, Jno. B. Steel, Wm. G. Steel, Stratton, Benj. F. Thomas, Francis Thomas, Train, Trimble, Vallandigham, Wadsworth, Wall, E. P. Walton, Washburne, Chilton A. White, Woodruff, and Worcester—69.

Mr. Potter moved that the bill be referred to the Committee on Public Lands; Mr. Vallandigham demanded the previous question. The bill was referred—ayes 91, noes not counted.

February 22, 1862, the Speaker announced that the homestead bill was made a special order, and that Mr. Holman, of Indiana, was entitled to the floor. Mr. Holman moved to postpone consideration of the bill until the following day, which was agreed to.

On February 28 the Speaker announced that the regular order of business was the consideration of the bill (H. R. No. 125) to secure homesteads to actual settlers on the public domain, reported from the Committee on Public Lands, the pending question being the motion to recommit the bill with instructions to strike out the eighth section and insert the following:

And be it further enacted, That the provisions of an act entitled "An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855, shall extend to and be constructed to embrace the officers, soldiers, and seamen who have been engaged in the military or naval service of the United States since the 12th of April, 1861, or who shall be engaged in such service during the present war: *Provided, however*, That no officer, soldier, or seaman shall be entitled to the benefit of said act unless he shall have been engaged in the service aforesaid for a period of not less than sixty days, or been honorably discharged on account of wounds received or sickness incurred while in the line of his duty in such service: *Provided*, That the widows and children of officers, soldiers, and seamen who shall die from wounds received or sickness incurred while in the service of the United States, as aforesaid, shall be entitled to the benefits of said act.

It was further provided that the act, except the above section, should not go into operation for the period of one year after the close of the war of the rebellion.

Mr. Potter moved to strike out the words in the first section, "passage of this act," and in lieu thereof to insert "1st January, 1863," so that it should read—

That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, shall, from and after the 1st of January, 1863, be entitled to enter, free of cost, one hundred and sixty acres of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at $1.25 or less, &c.

This amendment was agreed to, and Mr. Potter demanded the previous question on the passage of the bill. Mr. Washburn demanded the yeas and nays; upon which the question, being taken, was decided in the affirmative—yeas 107, nays 16, as follows:

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Baker, Baxter, Bingham, Samuel S. Blair, Blake, Buffington, Campbell, Chamberlin, Clark, Clements, Cobb, Colfax, Fred. A. Conkling, Roscoe Conkling, Conway, Covode, Cox, Cravens, Cutler, Davis, Dawes, Delano, Diven, Duell, Dunn, Edgerton, Edwards, Eliot, Ely, Fessenden, Frank, Goodwin, Granger, Gurley, Haight, Hale, Hanchett, Harrison, Holman, Hooper, Horton, Hutchins, Julian, Kelley, Francis W. Kellogg, William Kellogg, Knapp, Lansing, Law, Lazear, Lovejoy, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, Nugen, Olin, Patton, Pendleton, Perry, Timothy G. Phelps, Pike, Pomeroy, Porter, Potter, Alexander H. Rice, John H. Rice, Richardson, Riddle, Robinson, Edward H. Rollins, Sargeant, Sedgewick, Shanks, Sheffield, Sloan, John B. Steele, Stevens, Stratton, Benjamin F. Thomas, Train, Trimble, Trowbridge, Vallandigham, Van Valkenburg, Van Wyck, Verree, Voorhees, Wallace, E. P. Walton, Ward, Wash-

burne, Whaley, Albert S. White, Wilson, Windom, Woodruff, Worcester, and Wright—107.

NAYS—Messrs. Joseph Bailey, Jacob P. Blair, George H. Brown, Wm. G. Brown, Corning, Crittenden, Dunlap, Grider, Harding, Mallory, Maynard, Menzies, Norton, Shiel, Vibbard, and Wickliffe—16.

And so the bill passed.

In the Senate, March 25, 1862, Mr. Harlan, of the Committee on Public Lands, to whom was referred bill H. R. No. 125, known as the homestead bill, reported it with amendments. On April 30 Senator Wade moved to take it up, and the motion was agreed to; but Senator Harlan, of Iowa, being absent, Senator Wade suggested that the bill be laid over until Senator Harlan was present. It was so ordered. On the 2d of May Senator Wade again moved the consideration of the homestead bill, and the motion being agreed to, the amendments offered by the committee were then agreed to. Whereupon Senator Carlisle, of Virginia, offered a substitute for the whole bill (see Congressional Globe, Part 2, 2d session, 37th Congress, page 1915). On motion of Senator Pomeroy, the bill was made a special order for the succeeding Monday, and on May 5, the Senate, as in Committee of the Whole, resumed consideration of it, Mr. Pomeroy speaking on the bill until it was set aside by the special order of the day, namely, the confiscation bill. Consideration of the homestead bill was resumed on the following day, and Mr. Carlisle, of Virginia, offered a substitute for the whole bill. The question being taken by yeas and nays resulted—yeas 11, nays 28, as follows:

YEAS—Messrs. Carlisle, Davis, Henderson, Kennedy, McDougal, Powell, Saulsbury, Stark, Willey, Wilson of Missouri, and Wright—11.

NAYS—Messrs. Anthony, Bayard, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harris, King, Lane of Indiana, Lane of Kansas, Morrill, Pomeroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson—28.

So Senator Carlisle's substitute was rejected.

The bill was then reported to the Senate as amended, and the amendments of the committee were concurred in. Mr. Powell called for the yeas and nays, with the following result—yeas 33, nays 7.

YEAS—Messrs. Anthony, Browning, Chandler, Clark, Collamer, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harris, Henderson, Howe, Kennedy, King, Lane of Indiana, Lane of Kansas, McDougal, Morrill, Pomeroy, Sherman, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, Wilson of Massachusetts, Wilson of Missouri, and Wright—33.

NAYS—Messrs. Bayard, Carlisle, Davis, Powell, Saulsbury, Stark, and Willey—7.

And so the bill was passed.

On May 12, a message was received from the House of Representatives disagreeing with the amendments of the Senate. The Senate insisted on its amendments and appointed Messrs. Harlan, Clark, and Wright as a Committee of Conference to meet a similar committee from the House of Representatives, consisting of Messrs. John F. Potter, of Wisconsin, Aldrich, of Minnesota, and Edwin H. Webster, of Indiana.

On May 15, Senator Harlan, from the committee on the disagreeing votes of the two houses on the homestead bill, reported that the committee had agreed, the House of Representatives having receded from all of its disagreements except one changing the word "entry" to "land" in one of the sections. The following day a message from the House announced that it had agreed to the report of the committee of conference, and on the 19th another message announced that the Speaker had signed the homestead bill; which thereupon received the signature of the President of the Senate *pro tempore*.

Finally, on May 27, a message from the President of the United States, Abraham Lincoln, announced that he had, on the 20th of May, 1862, approved and signed "An act (H. R. No. 125) to secure homesteads to actual settlers on the public domain."

The act approved is as follows:

AN ACT to secure homesteads to actual settlers on the public domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived

at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: *Provided*, That any person owning or residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2. *And be it further enacted*, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one or more years of age, or shall have performed service in the Army or Navy of the United States, and that he has never borne arms against the Government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided, however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry—or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death—shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law: *And provided, further*, That in case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. *And be it further enacted*, That the register of the land office shall note all such applications on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted*, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. *And be it further enacted*, That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the Government.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to acquire title to more than one quarter-section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect, and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one-half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: *Provided*,

That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights: *And provided, further*, That all persons who may have filed their applications for a pre-emption right prior to the passage of this act shall be entitled to all privileges of this act: *Provided further*, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

SEC. 7. *And be it further enacted*, That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 8. *And be it further enacted*, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting pre-emption right.

PRESIDENT JOHNSON'S OPINION.

President Johnson, one of the original promoters of the homestead act, in his annual message for 1865, says of the act, after calling attention to its successful operation:

The homestead policy was established only after long and earnest resistance. Experience proves its wisdom. The lands in the hands of industrious settlers, whose labor creates wealth and contributes to the public resources, are worth more to the United States than if they had been reserved as a solitude for future purchasers.

HOMESTEAD ACT AND AMENDMENTS.

This original homestead act has been amended several times. (See R. S., sections 2289–2317, inclusive, and session laws of Congress since 1878, for additions.)

The principal amendments were in the nature of extension of its privileges, and the limit of 80 acres of land of the double minimum class, $2.50 per acre, within certain road limits, has since been done away with by acts of March 3, 1879, July 1, 1879, and June 15, 1880; there now being but one class of agricultural lands, so far as regards the minimum quantity in homestead entries.

The act of June 8, 1872, was known as the soldiers' and sailors' homestead act. It gave honorably discharged soldiers and sailors from the Army and Navy of the United States lands under the homestead act in any locality, and deducted from the five years' residence which was required to make title their term of service in the Army and Navy during the war of the Rebellion. One year's residence and cultivation, however, were necessary, and they have six months from the filing of application to make entry and commence settlement and improvement, and actual service in the Army or Navy is an equivalent to residence under certain conditions.

The soldiers' additional homestead provision was to give those soldiers who had had the benefit of the homestead act, to the extent of a quantity under 160 acres, an additional amount, so as to make their allowance 160 acres. The act of March 3, 1875, gave homesteads and patents for the same to certain Indians. (See chapter XVI, on "Indian Reservations," as to Indian homesteads.)

By act of March 3, 1879, additional rights were given to homestead settlers on the public lands within railroad limits, and an act of the same tenor for the States of Missouri and Arkansas was passed July 1, 1879.

Special acts have frequently been passed favoring localities where crops have been destroyed by drought or insects, and the time of settlers has been extended.

In making final proof of homestead entry, or in commuting under the eighth section of the homestead act (section 2301, R. S.), upon lands situate in recognized mineral districts, a non-mineral affidavit, showing that there is no known mineral on the tract to be entered, is required of all claimants.

THE ESSENCE OF THE HOMESTEAD LAW AND ITS BENEFITS.

The essence of the homestead law and the amendments is embodied in the conditions of actual settlement, dwelling on, and cultivation of the soil embraced in an entry. It gives for a nominal fee, equal to $34 on the Pacific coast and $26 in the other States, to a settler—a man or woman over the age of twenty-one years, head of a family, or a single person above the age of twenty-one years, a citizen of the United States or having declared an intention of becoming such—the right to locate upon 160 acres of unoccupied public land in any of the public-land States and Territories subject to entry at a United States land office, to live upon the same for a period of five years, and, upon proof of a compliance with the law, to receive a patent therefor free of cost or charge for the land. Full citizenship is requisite to obtain final title.

The present homestead law contains all of the beneficial features of the pre-emption act with the additions suggested by experience and the changed condition of national life. The eighth section of the act contains the substance of the pre-emption act in the matter of purchase. If the locator desires to buy his homestead outright at the end of six months, he can, upon due proof, pay for his land at $1.25 or $2.50 per acre, as the case may be, which is called commutation of a homestead. It contains one feature as broad in its terms and as beneficial in its principle as the domain it covers. It is as follows:

No lands acquired under the provisions of this act shall, in any event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

The homestead act is now the approved and preferred method of acquiring title to the public lands. It has stood the test of eighteen years, and was the outgrowth of a system extending through nearly eighty years, and now, within the circle of a hundred years since the United States acquired the first of her public lands, the homestead act stands as the concentrated wisdom of legislation for settlement of the public lands. It protects the Government, it fills the States with homes, it builds up communities, and lessens the chances of social and civil disorder by giving ownership of the soil, in small tracts, to the occupants thereof. It was copied from no other nation's system. It was originally and distinctively American, and remains a monument to its originators.

FINAL ENTRIES AND CASH COMMUTATIONS.

The total number of entries under this act from May, 1862, to June 30, 1880, was 469,782; the area embraced therein was 55,667,044.95 acres. The final entries during the same period, for which patents have been issued, were 162,237; the area embraced therein being 19,265,337.06 acres.

Under the eighth section of the cash or commutation clause, a homestead settler can at the end of six months, upon proof of settlement and improvements, make cash payments, at the legal rate, but not more than four per cent. of the homestead settlers have made use of this privilege. They prefer to live upon their land the prescribed five years.

Commutations of homesteads are reported as part of the "cash" sales of each year's business, and therefore cannot be stated.

Number and area of entries under the homestead act, by States and Territories, from May 20, 1862, to June 30, 1880.

States and Territories.	1863.				1864.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama								
Arkansas								
Arizona								
California	343	52,289.67			494	75,919.41		
Colorado					304	45,306.90		
Dakota	75	11,829.23			111	17,669.15		
Florida								
Indiana								
Illinois	3	118.16						
Iowa	184	18,978.81			284	29,546.82		
Idaho								
Kansas	1,149	173,725.70			678	96,258.65		
Louisiana								
Missouri	20	1,400.00			216	22,408.96		
Michigan	1,531	195,939.66			1,572	207,879.83		
Minnesota	2,290	277,526.45			3,258	428,487.79		
Mississippi								
Montana								
Nevada					43	6,452.07		
New Mexico								
Nebraska	349	50,775.13			769	114,649.10		
Ohio	52	3,649.27			6	443.55		
Oregon	200	28,813.54			144	21,092.13		
Utah								
Washington	341	53,183.55			447	69,998.67		
Wisconsin	1,677	164,643.07			1,079	111,058.23		
Wyoming								
Total	8,223	1,032,871.74			9,405	1,247,170.76		

States and Territories.	1865.				1866.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama					4	634.23		
Arkansas								
Arizona								
California	279	41,822.49			449	65,231.14		
Colorado	157	24,284.71			208	31,259.14		
Dakota	64	10,107.55			154	23,676.34		
Florida								
Indiana								
Illinois	2	74.25			2	79.62		
Iowa	578	64,540.86			995	106,355.85		
Idaho								
Kansas	383	51,544.76			1,212	146,917.01		
Louisiana								
Missouri	786	66,498.87			3,193	315,363.80		
Michigan	741	94,659.03			2,133	263,597.23		
Minnesota	3,972	531,707.89			3,789	497,379.77		
Mississippi								
Montana								
Nevada	1	40.00			1	80.00		
New Mexico								
Nebraska	812	114,875.28			1,456	203,980.71		
Ohio	2	78.91			15	883.39		
Oregon	203	30,051.67			482	70,972.09		
Utah								
Washington	211	33,227.16			208	32,549.79		
Wisconsin	733	77,929.94			1,054	131,887.48		
Wyoming								
Total	8,924	1,141,443.37			15,355	1,890,847.58		

at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which said person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: *Provided*, That any person owning or residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2. *And be it further enacted*, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one or more years of age, or shall have performed service in the Army or Navy of the United States, and that he has never borne arms against the Government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not, either directly or indirectly, for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: *Provided, however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry—or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death—shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law: *And provided, further*, That in case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. *And be it further enacted*, That the register of the land office shall note all such applications on the tract books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted*, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. *And be it further enacted*, That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the Government.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to acquire title to more than one quarter-section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect, and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one-half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: *Provided*,

That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing pre-emption rights: *And provided, further*, That all persons who may have filed their applications for a pre-emption right prior to the passage of this act shall be entitled to all privileges of this act: *Provided further*, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

SEC. 7. *And be it further enacted*, That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 8. *And be it further enacted*, That nothing in this act shall be so construed as to prevent any person who has availed him or herself of the benefits of the first section of this act from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting pre-emption right.

PRESIDENT JOHNSON'S OPINION.

President Johnson, one of the original promoters of the homestead act, in his annual message for 1865, says of the act, after calling attention to its successful operation:

The homestead policy was established only after long and earnest resistance. Experience proves its wisdom. The lands in the hands of industrious settlers, whose labor creates wealth and contributes to the public resources, are worth more to the United States than if they had been reserved as a solitude for future purchasers.

HOMESTEAD ACT AND AMENDMENTS.

This original homestead act has been amended several times. (See R. S., sections 2289–2317, inclusive, and session laws of Congress since 1878, for additions.)

The principal amendments were in the nature of extension of its privileges, and the limit of 80 acres of land of the double minimum class, $2.50 per acre, within certain road limits, has since been done away with by acts of March 3, 1879, July 1, 1879, and June 15, 1880; there now being but one class of agricultural lands, so far as regards the minimum quantity in homestead entries.

The act of June 8, 1872, was known as the soldiers' and sailors' homestead act. It gave honorably discharged soldiers and sailors from the Army and Navy of the United States lands under the homestead act in any locality, and deducted from the five years' residence which was required to make title their term of service in the Army and Navy during the war of the Rebellion. One year's residence and cultivation, however, were necessary, and they have six months from the filing of application to make entry and commence settlement and improvement, and actual service in the Army or Navy is an equivalent to residence under certain conditions.

The soldiers' additional homestead provision was to give those soldiers who had had the benefit of the homestead act, to the extent of a quantity under 160 acres, an additional amount, so as to make their allowance 160 acres. The act of March 3, 1875, gave homesteads and patents for the same to certain Indians. (See chapter XVI, on "Indian Reservations," as to Indian homesteads.)

By act of March 3, 1879, additional rights were given to homestead settlers on the public lands within railroad limits, and an act of the same tenor for the States of Missouri and Arkansas was passed July 1, 1879.

Special acts have frequently been passed favoring localities where crops have been destroyed by drought or insects, and the time of settlers has been extended.

In making final proof of homestead entry, or in commuting under the eighth section of the homestead act (section 2301, R. S.), upon lands situate in recognized mineral districts, a non-mineral affidavit, showing that there is no known mineral on the tract to be entered, is required of all claimants.

Number and area of entries under the homestead act, &c.—Continued.

States and Territories.	1867.				1868.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	616	47, 224. 87	....	....	1, 646	124, 085. 15	....	....
Arkansas	835	50, 418. 72	....	....	2, 830	183, 232. 36	....	....
Arizona	....	....	....	....	....	....	....	....
California	310	44, 260. 65	....	....	527	75, 674. 67	79	12, 285. 55
Colorado	129	18, 315. 86	....	....	59	5, 915. 14	....	....
Dakota	187	29, 545. 10	....	....	614	96, 869. 14	29	4, 602. 36
Florida	1, 505	111, 878. 15	....	....	1, 781	115, 935. 81	....	....
Indiana	....	....	....	....	....	....	....	....
Illinois	....	....	....	....	....	....	....	....
Iowa	733	67, 710. 96	....	....	744	71, 148. 30	80	8, 107. 12
Idaho	....	....	....	....	44	6, 187. 37	....	....
Kansas	1, 326	155, 105. 37	....	....	1, 496	166, 214. 37	456	68, 602. 51
Louisiana	259	20, 164. 63	....	....	....	....	....	....
Missouri	2, 048	219, 408. 63	....	....	2, 511	237, 965. 78	....	....
Michigan	1, 687	203, 901. 96	....	....	1, 869	205, 438. 65	485	61, 402. 42
Minnesota	2, 985	363, 934. 78	....	....	2, 946	358, 241. 78	913	113, 800. 16
Mississippi	555	31, 427. 75	....	....	1, 602	102, 824. 45	....	....
Montana	....	....	....	....	....	....	....	....
Nevada	5	440. 00	....	....	11	1, 348. 15	....	....
New Mexico	....	....	....	....	....	....	....	....
Nebraska	1, 628	225, 856. 74	....	....	2, 844	325, 459. 52	139	20, 536. 27
Ohio	3	315. 00	....	....	7	447. 45	3	200. 00
Oregon	490	72, 424. 12	....	....	549	78, 393. 83	17	4, 068. 22
Utah	....	....	....	....	....	....	....	....
Washington	199	30, 213. 83	....	....	171	26, 222. 00	59	9, 270. 37
Wisconsin	1, 457	141, 965. 70	....	....	1, 495	150, 547. 26	512	52, 211. 06
Wyoming	....	....	....	....	....	....	....	....
Total	16, 957	1,834,512.82	....	....	23, 746	2,332,151.18	2, 772	355, 086. 04

States and Territories.	1869.				1870.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	2, 192	209, 004. 44	....	....	2, 565	243, 833. 26	....	....
Arkansas	2, 214	196, 418. 86	....	....	4, 596	431, 797. 51	....	....
Arizona	....	....	....	....	....	....	....	....
California	446	59, 666. 26	246	38, 569. 77	495	67, 694. 31	171	26, 231. 86
Colorado	70	6, 609. 49	57	8, 837. 48	616	68, 906. 59	77	11, 689. 12
Dakota	523	67, 978. 86	28	4, 391. 95	576	90, 546. 76	20	3, 200. 00
Florida	744	75, 269. 47	....	....	678	69, 778. 10	....	....
Indiana	2	120. 00	....	....	....	....	....	....
Illinois	....	....	....	....	....	....	2	78. 16
Iowa	1, 770	163, 782. 26	115	12, 765. 19	2, 049	189, 822. 70	248	29, 652. 12
Idaho	53	7, 171. 52	....	....	53	7, 207. 15	....	....
Kansas	1, 900	225, 518. 41	393	48, 571. 19	5, 024	646, 609. 96	252	37, 142. 63
Louisiana	582	63, 003. 21	....	....	711	90, 101. 50	....	....
Missouri	2, 675	257, 738. 49	21	1, 974. 38	3, 786	402, 209. 90	166	13, 742. 67
Michigan	1, 525	154, 824. 03	617	78, 139. 18	1, 163	120, 825. 35	351	43, 081. 98
Minnesota	3, 389	365, 660. 99	1, 344	164, 843. 73	3, 025	334, 792. 78	1, 603	212, 387. 78
Mississippi	935	78, 809. 51	....	....	1, 109	100, 806. 53	....	....
Montana	48	7, 624. 78	....	....	213	33, 458. 79	....	....
Nevada	16	2, 380. 01	....	....	53	8, 161. 96	10	1, 440. 00
New Mexico	....	....	....	....	10	1, 578. 23	....	....
Nebraska	3, 596	376, 860. 42	277	41, 687. 92	4, 583	509, 062. 71	285	42, 134. 42
Ohio	14	930. 81	13	1, 107. 19	6	439. 26	9	559. 11
Oregon	484	69, 896. 90	63	9, 528. 57	642	91, 881. 01	103	15, 371. 17
Utah	661	96, 764. 65	....	....	233	29, 627. 79	....	....
Washington	293	45, 488. 04	225	35, 127. 30	398	61, 164. 80	134	20, 969. 31
Wisconsin	1, 496	166, 960. 46	566	58, 758. 12	1, 388	153, 836. 26	610	62, 074. 53
Wyoming	....	....	....	....	....	....	....	....
Total	25, 628	2,698,481.87	3, 965	504, 301. 97	33, 972	3,754,203.21	4, 041	519, 727. 84

Number and area of entries under the homestead act, &c.—Continued.

States and Territories.	1871.				1872.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	1, 388	129, 300. 95	....	....	1, 647	162, 762. 36	20	1, 564. 85
Arkansas	4, 571	367, 021. 74	11	824. 55	3, 716	366, 623. 16	72	3, 947. 10
Arizona	....	....	....	....	8	1, 277. 03	....	....
California	1, 228	169, 701. 43	212	30, 512. 45	1, 012	134, 196. 75	146	21, 399. 94
Colorado	761	98, 783. 81	88	13, 222. 88	347	46, 588. 45	70	10, 580. 36
Dakota	861	134, 642. 31	33	5, 199. 05	1, 009	157, 237. 33	73	11, 448. 02
Florida	217	24, 969. 55	....	....	697	80, 783. 20	23	1, 288. 12
Indiana	2	80. 00	....	....	....	....	....	....
Illinois	....	....	....	....	1	28. 94	2	80. 00
Iowa	1, 843	186, 601. 79	348	39, 891. 49	2, 579	264, 698. 35	329	33, 505. 57
Idaho	146	22, 170. 37	....	....	52	7, 723. 88	....	....
Kansas	9, 456	1,261,622.79	309	39, 346. 59	9, 093	1.224,830.83	532	65, 086. 30
Louisiana	1, 023	133, 430. 55	....	....	1, 194	142, 172. 94	9	703. 07
Missouri	2, 533	276, 793. 12	716	65, 490. 27	1, 609	166, 264. 65	698	66, 988. 10
Michigan	1, 662	187, 084. 88	681	84, 021. 69	1, 175	131, 342. 80	856	105, 559. 55
Minnesota	3, 809	461, 639. 56	1, 453	189, 647. 46	3, 908	459, 456. 18	1, 493	181, 677. 94
Mississippi	882	71, 177. 22	....	....	1, 375	146, 700. 68	9	538. 60
Montana	309	48, 338. 78	....	....	265	41, 366. 26	....	....
Nevada	58	8, 845. 47	1	160 00	57	7, 863. 78	3	440. 00
New Mexico	151	22, 825. 60	....	....	10	1, 377. 58	....	....
Nebraska	6, 021	713, 306. 63	437	61, 465 88	5, 970	696, 620. 30	649	91, 446. 90
Ohio	14	880. 00	5	261. 05	14	1, 060. 74	4	256. 57
Oregon	648	84, 390. 36	153	23, 498. 89	795	101, 023. 00	183	26, 971. 45
Utah	292	38, 498. 51	....	....	377	50, 495. 91	....	....
Washington	618	84, 356. 67	101	15, 896. 03	458	49, 301. 40	92	14, 097. 66
Wisconsin	1, 177	130, 013. 37	539	59, 723. 97	1, 361	152, 053. 43	663	69, 829. 73
Wyoming	8	880. 00	....	....	18	1, 585. 34	....	....
Total	39, 768	4,657,355.46	5, 087	629, 162. 05	38, 742	4,595,435.27	5, 917	707, 409. 83

States and Territories.	1873.				1874.			
	Homesteads.		Final homesteads.		Homesteads.		Final homesteads.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	1, 653	167, 763. 56	62	4, 593. 66	1, 742	181, 730. 66	150	13, 177. 70
Arkansas	2, 497	246, 253. 45	211	14, 746. 71	2, 308	239, 226. 79	828	68, 655. 11
Arizona	1	160. 00	....	....	7	1, 036. 12	....	....
California	1, 301	171, 338. 67	265	39, 513. 58	1, 363	179, 043. 43	194	27, 263. 91
Colorado	477	65, 641. 03	104	15, 044. 53	581	82, 105. 58	99	13, 572. 69
Dakota	1, 297	205, 920. 68	160	27, 208. 00	1, 778	288, 162. 19	371	54, 326. 49
Florida	359	41, 136. 18	32	2, 136. 65	689	80, 521. 68	443	32, 053. 13
Indiana	....	....	....	....	....	....	....	....
Illinois	....	....	....	....	1	160. 00	....	....
Iowa	671	77, 387. 91	741	75, 862. 88	574	46, 765. 67	771	84, 596. 87
Idaho	52	7, 853. 33	11	1, 582. 68	122	18, 986. 18	18	2, 759. 16
Kansas	5, 956	806, 881. 02	1, 202	156, 269. 57	6, 116	838, 511. 16	1, 638	216, 673. 76
Louisiana	1, 202	137, 363. 74	5	402. 25	381	44, 957. 60	38	3, 872. 53
Missouri	1, 098	120, 479. 27	1, 241	127, 328. 89	671	67, 963. 88	941	95, 005. 56
Michigan	1, 553	176, 965. 46	1, 103	132, 773. 49	1, 275	139, 140. 26	991	108, 666. 13
Minnesota	3, 299	357, 473. 31	2, 124	255, 647. 70	2, 959	299, 730. 22	2, 871	318, 318. 85
Mississippi	841	87, 379. 98	162	8, 590. 56	548	52, 151. 64	162	12, 123. 15
Montana	49	5, 303. 61	1	154. 95	22	2, 760. 00	3	480. 00
Nevada	119	17, 248. 40	2	320. 00	51	7, 593. 16	....	....
New Mexico	9	1, 439. 06	4	640. 00	19	2, 237. 84	1	160. 00
Nebraska	6, 189	742, 884. 18	1, 658	220, 420. 98	5, 165	615, 424. 31	2, 818	321, 743. 77
Ohio	6	440. 00	3	224. 05	2	198. 73	12	772. 71
Oregon	587	71, 526. 85	263	39, 542. 33	375	45, 502. 52	260	36, 995. 81
Utah	300	38, 790. 16	....	....	141	17, 740. 05	200	30, 175. 60
Washington	408	49, 886. 40	104	15, 969. 18	396	41, 440. 63	94	14, 162. 62
Wisconsin	1, 377	161, 962. 77	853	85, 918. 29	1, 819	193, 604. 75	1, 226	130, 226. 01
Wyoming	5	720. 95	....	....	21	2, 875. 44	....	....
Total	31, 561	3,760,199.97	10, 311	1,224,890.93	29, 126	3,489,570.49	14, 129	1, 585, 781. 56

FORM OF PATENT FOR HOMESTEAD.

Homestead certificate No. —. Application—.

The United States of America, to all to whom these presents shall come, greeting:

Whereas there has been deposited in the General Land Office of the United States a certificate of the register of the land office at———, whereby it appears that, pursuant to the act of Congress approved 20th May, 1862, "to secure homesteads to actual settlers on the public domain," and the acts supplemental thereto, the claim of——— ———has been established and duly consummated, in conformity to law, for the ——— ———according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor-General.

Now know ye, that there is, therefore, granted by the United States unto the said ——— ———the tract of land above described, to have and to hold the said tract of land, with the appurtenances thereof, unto the said——— ———and to——heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof, I,——— ———, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the——day of———, in the year of our Lord one thousand eight hundred and——, and of the Independence of the United States the——.

By the President:

[SEAL.]

——— ———,

By——— ———,

Secretary.

——— ———,

Recorder of the General Land Office.

Recorded, vol.—, page—.

CHAPTER XXVIII.

TIMBER AND STONE ACTS.

LEGAL PROCEDURE AND DECISIONS.

The protection of the timber on the public lands from fire and depredations has, since the origin of the Government, been a serious problem.

The original public domain, or lands embraced in the cessions by States, contained vast areas of forest lands, heavily timbered in the central and middle western portion. The lands in Illinois were the first of the prairies, which beyond the Mississippi became the plains. The first disposition and settlement laws were made for a humid and wooded country, where the agricultural purchaser's first labor was to clear the wood from the soil. The Louisiana purchase added the treeless plains between the Mississippi River and the Rocky Mountains to the area of the public domain.

March 1, 1817 (amended May 15, 1820, and March 3, 1827, section 2458, R. S.), Congress passed the first act for the preservation of live oak and red cedar forests, and authorized the exploration and selection of such tracts as were necessary to furnish the Navy with such timber. The authority of selection was placed in the Secretary of the Navy, under the direction of the President.

February 23, 1822, Congress authorized the President to employ the Army and Navy for the protection and preservation of the live-oak and red-cedar timber of the United States in Florida. (See section 2460, R. S.)

March 2, 1831, Congress made it a felony, with penalty of fine and imprisonment, for cutting or removing timber from the public lands without due permission. (See sections 2461, 2462, 2463 and 4751, R. S.)

The Supreme Court of the United States, in United States *v.* E. Briggs (9 How., 351), construed this statute to authorize the protection of all timber on public lands, and punishment for trespass.

Mr. Attorney-General Nelson, August 11, 1843, also gave an opinion to the same effect.

July 16, 1845, Mr. Attorney-General Mason, in an opinion, considered it the preemptor's privilege to destroy and use any trees on the tract claimed necessary to clear and inclose with a view to cultivation and the making of a home.

Under the act of March 2, 1831, for the care and custody of the timber there was established a system of agencies under the supervision of the Solicitor of the Treasury.

In 1855 the management of the timber interest was transferred to the General Land Office, which employed the registers and receivers, without additional compensation, to act as timber agents. (See circular of instructions, General Land Office, December 24, 1855.)

Where trespass was committed by timber dealers, stumpage was exacted, or the timber was seized and sold, and the proceeds paid into the Treasury. Where there had been trespass through ignorance, and with no purpose of spoliation, actual entry of the land was required, with payment of costs; but, in all cases, pre-emptors and parties entering under the homestead act were protected and secured in the privilege of using trees on the land claimed, for clearing, fencing, cultivation, and construction of a house to live in; also for ordinary domestic purposes; and, if sanctioned by the head of the Department, it might be extended, under reasonable limitations, to interests under act of July 26, 1866, which conferred the right of mining, where the extension might not be beyond individual necessities, nor amount to waste or spoliation.

This continued under direction of the Commissioner of the General Land Office, under his orders, and until April 5, 1877, when special agents were employed—either detailed clerks or persons specially appointed.

Registers and receivers were instructed to seize and sell all timber found to have been cut on the public lands contrary to law and deposit the proceeds in the Treasury of the United States. They were also to report the cases to the proper district attorneys for the prosecution of the offenders under section 2461 Revised Statutes, except where, with the previously obtained approval of the Commissioner of the General Land Office, a compromise was effected in view of mitigating circumstances.

By act of April 30, 1878 (20 Stats., p. 46), an appropriation was made of $7,500 for the actual expenses of clerks detailed to investigate fraudulent land entries, trespassers on the public lands, and cases of official misconduct, with the provisos—

That all moneys heretofore, and that shall hereafter be, collected for depredations upon the public lands, shall be covered into the Treasury of the United States as other moneys received from the sale of public lands: *And provided further*, That where wood and timbered lands in the Territories of the United States are not surveyed and offered for sale in proper subdivisions, convenient of access, no money appropriated shall be used to collect any charge for wood or timber cut on the public lands in the Territories of the United States, for the use of actual settlers in the Territories, and not for export from the Territories of the United States where the timber grew: *And provided further*, That if any timber cut on the public lands shall be exported from the Territories of the United States, it shall be liable to seizure by United States authority wherever found.

In the act of June 20, 1878 (20 Stats., p. 229), "to meet expenses of suppressing depredations upon timber on the public lands," an appropriation of twenty-five thousand dollars was made. This was expended, under direction of the Secretary of the Interior, by the Commissioner of the General Land Office, who appointed or detailed special agents to investigate the depredations. For a full report of the operations of these agents, and the measures taken to suppress violations of the timber acts, see reports of the Commissioner of the General Land Office for 1878, pp. 122–124, 1879 and 1880. The appropriation has been continued from year to year.

The appropriations for keeping these special agents in the field were, for the year ending June 30, 1877, $12,500; for the year ending June 30, 1879, $25,000; and for the year ending June 30, 1880, $40,000; making a total down to June 30, 1880, of $77,500 since the inauguration of the present system.

RESULTS OF SERVICES OF SPECIAL AGENTS.

During the twenty-two years from December 24, 1855, to the 5th of April, 1877, while all action as to timber depredations took place under the circular of 1855 first mentioned, the sums recovered and turned into the Treasury amounted in gross to $248,795.68. During three years and three months from April 5, 1877, to the 30th of June, 1880, the proceeds actually collected from the same source amounted to $242,376.68. The amount for which judgment has been obtained—not yet collected—is about as much more. The proceeds of the last three years and a half have been much larger than those of the twenty-two years preceding.

CONDONING ACT.

Congress, June 15, 1880, passed a condoning act for trespassers on the public lands for acts committed prior to March 1, 1879. Persons against whom suits were pending prior to that date were to make entry of lands upon which trespass was committed, and upon presentation of the evidence of such entry, and payment of costs accrued to the proper officer, suits and proceedings to be discontinued. This act took effect March 1, 1879. Trespassers since that date will await the action of the officers under existing laws.

STONE AND TIMBER ACTS.

June 3, 1878, Congress passed an act authorizing the sale of timber land unfit for cultivation in California, Oregon, Nevada, and the Territory of Washington at $2.50

per acre. This act confined its benefits to citizens, or those who may declare their intentions to become such, no one person or association of persons to enter more than 160 acres. Proof must be shown of the non-mineral and non-agricultural character of the land desired.

This act also provided for the sale of lands valuable chiefly for stone in the same quantity and on the same terms as timber lands. Application must be made to the district land office, which is posted for sixty days and published in a newspaper for sixty days. If no adverse testimony as to the character of the land is shown after sixty days, then he or they can pay for and enter it. (See circular General Land Office, August 15, 1878, and especially circular of May 1, 1880.

The fourth section of that act is a trespass act for the States and Territory named, with a penalty of not less than $100 nor more than $1,000 for violation of the provisions against removing, or causing to be removed, timber from public lands with intent to export or dispose of the same.

By act of June 3, 1878, Congress provided that all persons, citizens and *bona-fide* residents of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all mineral districts of the United States, shall be permitted to fell and remove for building, agriculture, mining, or other domestic purposes, timber or other trees on the public lands which are mineral and subject to mineral entry only. Railroad corporations are exempt. Registers and receivers are to ascertain as to the execution of the above from time to time. (See circular Commissioner General Land Office, August 15, 1878.)

RESULTS OF THE ACT.

The stone and timber act has not been of much practical value, and furnishes but small relief to the settlers in the States and Territories named.

Under it, from 1878 to June 30, 1880, there have been sold 20,782.77 acres at $2.50 per acre.

The following exhibit shows the total entries, location, and areas of lands sold under the timber and stone act of June 3, 1878, from June 30, 1878, to June 30, 1880, inclusive:

States and Territories.	Year 1879.	Year 1880.	Aggregate.
	Acres.	*Acres.*	*Acres.*
California	486.49	10,402.79	10,889.28
Oregon	277.02	2,568.52	2,845.54
Nevada		2,249.46	2,249.46
Washington Territory		4,798.49	4,798.49
Total	763.51	20,019.26	20,782.77

REFERENCES.

For details of depredations and trespasses on, and destruction by fire of, the timber on the public domain in the West, together with recommendations as to sale and disposition of timber lands, with testimony of experts and persons practically engaged in lumbering, see Preliminary Report, with Testimony, of the Public Land Commission, Washington, D. C., 1880; Annual Reports of Secretary of the Interior, 1849 to 1880; Annual Reports of Commissioner of General Land Office, 1854 to 1880.

CHAPTER XXIX.

TIMBER CULTURE.

LAND BOUNTIES FOR CULTIVATION OF TIMBER.

The attention of Congress was early called to the necessity of legislation on the subject of the treeless public domain of the West. Many of the Western States, Kansas as an illustration, began, under authority of law, a system of bounties for tree-planting. By local usage and consent of the people, a day was set apart upon which a festival was held, and all planted trees; this became a holiday. Planting groves of trees became the method of providing windbreaks against the fierce winds of the plains. The lack of fuel was the principal inducement, coupled with the belief that forests of trees cause an increased rainfall, and knowledge of the fact that wooded countries retain moisture much longer than treeless plains and give a more equal and beneficial distribution of water. Government aid was solicited; agricultural, horticultural, and arboricultural societies petitioned; State legislatures took action; and timber culture became a subject of general discussion in the West.

The reports of the geological surveys of Hayden and Powell, for 1870, and following, called attention to the subject.

It was and is conceded that where land can be irrigated (below the timber line) trees can be grown. Irrigating ditches and canals are usually lined with trees; but trees cannot be grown in the West or elsewhere without water.

The first timber culture act was passed by Congress March 3, 1873, and amended March 13, 1874. It was for the promotion of the growth of timber on the Western plains—meaning within the humid or subhumid region. This act provided a method of acquiring title to public lands on condition that timber should be grown thereon, so that persons might take "timber" farms as well as "agricultural" farms—the land to be given them as a reward or bounty for raising trees. It is a timber bounty act, with the additional clause (sec. 2,468) that land in cultivation for timber is not liable for debt or debts contracted prior to the issuing of the patent therefor. Entry of not more than 160 nor less than 40 acres can be made under this act. One-fourth part of the tract entered must be devoted to timber for eight years; after eight years, on proof of these facts at the district land office, certificate for patent will issue. The fee at date of filing application is $10; the fee of the register and receiver is $2 each, and the same at final proof and entry; in all, $18. The effects of this act cannot be stated. The first filings under this law were made in the fall of 1873, but they were few and of small area. The eight years' limit has as yet expired in but a few cases, and no reports have been received as to the practical effects of the law. A person files an application with the district land officers, and need not under the law take further action until the expiration of the legal time to make final proof to obtain patent, viz, eight years.

The act thus far is experimental so far as practical effects are officially known.

Statement showing the number of timber-culture entries, with areas, made in each State and Territory under the timber-culture act of March 3, 1873, to June 30, 1880, inclusive.

States and Territories.	1873.		1874.		1875.		1876.		1877.	
	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.
Arizona			2	196. 51	2	320. 00	10	1, 197. 15	21	2, 440 00
Arkansas							3	231. 92		
California	2	329. 75	59	8, 878. 06	195	29, 065. 53	136	20, 524. 33	75	10, 586. 05
Colorado			17	2, 272. 24	27	3, 453. 82	45	6, 514. 22	28	3, 343. 33
Dakota	24	3, 560. 00	865	124, 997. 29	451	61, 969. 75	842	119, 835. 23	476	68, 266. 92
Idaho			2	180. 83	21	2, 583. 25	17	1, 973. 89	52	7, 035. 91
Iowa	1	145. 90	33	3, 816. 05	92	9, 127. 52	99	8, 563. 42	59	4, 791. 56
Kansas	60	9, 642. 17	1, 954	282, 479. 07	1, 265	168, 269. 06	1, 354	185, 596. 43	1, 666	238, 020. 44
Louisiana										
Michigan										
Minnesota	95	14, 710. 15	804	113, 131. 63	499	63, 673. 73	1, 070	140, 126. 30	561	76, 021. 53
Missouri										
Montana									3	398. 59
Nebraska	137	21, 858. 07	2, 164	312, 712. 09	1, 061	130, 894. 26	834	106, 499. 74	706	90, 812. 90
Nevada									2	240. 00
New Mexico							7	1, 128. 00		
Oregon					7	882. 68	13	1, 793. 18	19	2, 509. 37
Utah							3	399. 88	3	338. 50
Washington			22	2, 482. 22	31	3, 324. 14	54	5, 374. 28	148	19, 746. 75
Wyoming			1	80. 00	1	130. 47	1	160. 00		
Total	319	50, 246. 04	5, 923	851, 225. 99	3, 652	473, 694. 21	4, 488	599, 917. 97	3, 819	524, 551. 85

States and Territories.	1878.		1879.		1880.		Total.	
	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.
Arizona	11	1, 600. 00	21	3, 280. 00	6	719. 65	73	9, 753. 31
Arkansas							3	231. 92
California	60	8, 029. 42	112	14, 458. 81	99	12, 120. 31	738	103, 992. 26
Colorado	125	17, 436. 73	121	16, 142. 03	214	30, 302. 14	577	79, 464. 51
Dakota	3, 769	579, 804. 04	4, 675	728, 687. 83	5, 575	868, 748. 39	16, 677	2, 555, 869. 45
Idaho	158	22, 169. 53	162	22, 013. 93	181	23, 300. 04	593	79, 257. 38
Iowa	89	7, 535. 47	73	6, 577. 67	57	4, 714. 05	503	45, 271. 64
Kansas	4, 031	593, 295. 17	7, 776	1, 167, 582. 77	2, 891	408, 261. 74	20, 997	3, 053, 146. 85
Louisiana			1	80. 43	1	40. 00	2	120. 43
Michigan								
Minnesota	2, 693	377, 017. 78	1, 847	257, 642. 50	909	123, 735. 36	8, 478	1, 166, 058. 98
Missouri								
Montana	9	960. 00	27	3, 134. 20	61	6, 835. 32	100	11, 328. 11
Nebraska	1, 408	195, 306. 68	3, 183	465, 968. 94	3, 202	475, 275. 87	12, 695	1, 799, 328. 55
Nevada	5	600. 00	1	160. 00	5	560. 00	13	1, 560. 00
New Mexico	2	320. 00	14	1, 891. 93	24	2, 887. 95	47	6, 227. 88
Oregon	130	18, 446. 21	117	17, 046. 59	482	73, 061. 66	768	113, 739. 69
Utah	9	1, 280. 00	20	2, 328. 93	35	4, 044. 05	70	8, 391. 36
Washington	562	78, 237. 00	479	68, 506. 10	893	134, 637. 65	2, 189	312, 308. 14
Wyoming					9	240. 00	12	610. 47
Total	13, 061	1, 902, 038. 03	18, 629	2, 775, 502. 66	14, 644	2, 169, 484. 18		
Grand total							64, 535	9, 346, 660. 93

CULTIVATION OF TREES ON HOMESTEAD TRACTS.

Revised Statutes, section 2317, in the chapter relating to homesteads, is as follows:

Every person having a homestead on the public domain, under the provisions of this chapter, who at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of such homestead, shall, upon due proof of the fact by two credible witnesses, receive his patent for such homestead.

This is also a bounty for planting timber.

REFERENCES.

Regulations General Land Office.

Public Land Commission, Preliminary Report, with Testimony, 1880.

Report on the Lands of the Arid Regions of the United States, Prof. J. W. Powell, 1878, Washington, D. C., as to water supply of the arid regions.

Report upon Forestry, vols. 1 and 2, prepared under direction of the Commissioner of Agriculture, in pursuance of an act of Congress approved August 15, 1876, 1878, Franklin B. Hough; containing statistics of lumbering, laws of States and Territories on forestry, suggestions, and a vast amount of practical information on tree culture in all lands. Also, Report of State Forestry Commissioners.

Report from Committee on Public Lands, first session Forty-third Congress (H. R. 259), on cultivation of timber and the preservation of forests, by Mr. Dunnell, of Minnesota, in reference to the special message of President Grant of February 19, 1874, on the subject.

CHAPTER XXX.

DESERT LANDS.

SPECIAL AND GENERAL LEGISLATION.

The act of March 3, 1875, providing for the sale of desert lands in Lassen County, California, permitted the entry of 640 acres of land, and required that water be put upon the same by claimants, and the land paid for at the rate of $1.25 per acre, within two years.

March 3, 1877, Congress enacted the "Desert land act," which applies to California, Oregon, Nevada, and Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota. It is for the reclamation of desert lands, an entry of 640 acres being permitted, and three years are given from the date of filing in which to conduct water on the same. At time of filing application 25 cents per acre is to be paid at the district land office, and on proof of compliance with the law, final payment of $1 additional per acre can be made at any time within three years. All lands, exclusive of timber and mineral lands, which will not, without irrigation, produce some agricultural crop, are deemed and held to be desert land under this act. The determination of what may be considered such desert lands is subject to the decision and regulation of the Commissioner of the General Land Office. (See circulars of General Land Office of June 25, 1878, and September 13, 1880.

Under this act, since March 3, 1877, to June 30, 1880, there have been made 2,855 entries embracing 897,160.57 acres; the first payments received (25 cents per acre) being $223,470.72.

For estimates of areas and conditions of desert lands, see "Report on the Lands of the Arid Region of the United States," by Prof. J. W. Powell, 1878; and for details of irrigation and methods, see "Preliminary Report, with Testimony, of the United States Public Land Commission," 1880.

RESULTS OF THE ACT.

The following table gives full exhibit of totals of operations under this act:

Sales of desert lands under the act of March 3, 1877, to June 30, 1880.

State or Territory.	1877.			1878.		
	No. of entries.	Area.	Amount.	No. of entries.	Area.	Amount.
Arizona	74	39, 653. 35	$9, 665 25	72	29, 982. 75	$7, 499 50
California	467	168, 282. 79	42, 071 13	202	72, 818. 28	18, 204 56
Dakota				5	1, 541. 00	385 25
Idaho				32	17, 916. 45	4, 479 16
Montana	3	361. 65	90 42	107	29, 842. 01	7, 460 52
Nevada	54	18, 829. 93	4, 707 48	255	85, 650. 96	20, 928 59
New Mexico	1	80. 00	20 00	17	6, 183. 62	1, 545 91
Oregon	3	1, 744. 25	436 06	24	10, 091. 32	2, 522 84
Utah	139	42, 652. 94	10, 664 35	162	25, 827. 58	6, 458 47
Washington				6	540. 49	135 12
Wyoming				75	18, 191. 61	4, 548 53
Total	741	271, 604, 91	67, 654 69	957	298, 586. 07	74, 168 45

Sales of desert lands under the act of March 3, 1877, *&c.*—Continued.

State or Territory.	1879.			1880.		
	No. of entries.	Area.	Amount.	No. of entries.	Area.	Amount.
Arizona	43	14,136.28	$3,434 50	10	2,559.60	$640 00
California	96	23,707.42	5,926 85	77	19,821.60	4,831 [illegible]
Dakota	2	720.00	180 00	....	....	....
Idaho	18	4,592.09	1,148 28	82	10,150.86	2,537 [illegible]
Montana	126	38,902.84	9,725 78	134	53,447.74	13,362 [illegible]
Nevada	128	29,816.82	7,329 74	77	16,189.48	4,047 67
New Mexico	16	6,570.52	1,642 63	27	8,473.00	2,118 25
Oregon	18	6,115.82	1,528 95	10	3,876.73	969 18
Utah	74	12,704.78	3,177 87	69	13,454.61	3,114 21
Washington	6	1,000.00	250 00	12	2,558.11	639 54
Wyoming	89	26,601.78	6,650 85	98	33,570.06	8,392 [illegible]
Total	611	164,368.30	40,994 95	546	162,601.29	40,652 [illegible]

RECAPITULATION BY FISCAL YEARS.

Years.	Entries.	Acres.	Amount.
1877	741	271,604.91	$67,654 [illegible]
1878	957	298,586.07	74,166 46
1879	611	164,368.30	40,994 95
1880	546	162,601.29	40,652 [illegible]
Total	2,855	897,160.57	222,470 72

CHAPTER XXXI.

PRIVATE LAND CLAIMS.

ORIGIN AND NATURE.

Private land claims are a class of titles situated in different sections of country, now constituting a part of the Union, having their origin under the governments preceding the United States in sovereignty.

In virtue of the treaties of cession hereinbefore shown, the area of the public domain has been increased several times its original extent. This immense increase of national territory embraced numerous individual foreign titles founded on written grants or otherwise, in form extending even to nascent claims resting upon actual settlement before change of government. The whole scope of Congressional legislation thereon shows how scrupulously this Government has made provision for fulfilling treaty stipulations and the requirements of public law, so as to secure to individuals their rights which originated under former governments. No nation has shown a higher sense of justice in this respect or a more liberal spirit. We have acknowledged and carried out the principle that, although sovereignty changes, private property is unaffected by the change, and that all claims in this relation are to be maintained sacred, including those in contract, those executory, as well as those executed. Such are the rulings of boards of commissioners for the examination of foreign titles, and the decisions of the district courts and of the Supreme Court of the United States. These courts in their rulings show how zealously private rights have been vindicated and confirmed, while the records of our Government bear evidence of the fact that multitudes of titles, derived under the former sovereignties of Great Britain, France, Spain, and Mexico, depending for validity on their colonial laws (in some very few instances they were direct from the Crown, although usually made through the instrumentality of the governors-general, intendants, subdelegates, and military commandants), have been secured to the lawful owners.

Turning to the national map it will be seen that these private claims or grants, marking the progress of early explorations and settlements on this continent, begin on the northern shores of the Michigan lower peninsula, come down to the old French settlement at and near Detroit, pass over to Green Bay and Prairie du Chien in Wisconsin, enter into Indiana at the old Vincennes post, down the eastern side of the Mississippi, and in the Illinois reach Peoria, Prairie du Rocher, and the Kaskaskias, there resting on ancient British and French grants, and all within the limits of the United States according to the treaty of limits in 1783. Thence such ancient claims are found in descending the Mississippi under other forms of grant and granting officers, to the Gulf of Mexico, extending into the southern portions of Mississippi and Alabama, and scattering all over both East and West Florida, crossing the Mississippi and following the shores of the Gulf, they are found thickly scattered over Louisiana, existing in Arkansas, and in great numbers in Missouri.

In those localities south of the thirty-first degree, east of the Mississippi, to the Perdido, and those west of the Mississippi to the present State of Missouri, inclusive,

the claims are founded on Spanish and French titles, under treaty of 1803 and ancient settlements; those east of the Perdido, in the Floridas, upon Spanish titles under the treaty of 1819, and under old settlements.

In New Mexico, Colorado, Arizona, and California, as we advance westward, there exist ancient Spanish titles, municipal and rural, claimed under the treaty of 1848 with Mexico, and what is known as the Gadsden purchase of December 30, 1853. These claims are for irregular tracts, illy defined, bounded by streams or marked by headlands, or natural objects in many cases since removed. They were made for agricultural, mining, stock-raising, or colonization, in all sizes from a village lot to a million-acre tract. The records kept by the granting authorities of Spain and Mexico have been a serious hindrance in some cases toward a satisfactory solution, being frequently of doubtful meaning.

These titles, in view of the obligations assumed by the United States to respect private property where the same had legal inception under the former governments, have passed under the examination of Congress, and, in other cases, the power of confirmation has been delegated to the district courts, with a right of appeal to the Supreme Court of the United States, by whose labors the edifice of provincial land law has risen to its present complete proportions, but the greater number have been confirmed by the judicial tribunals of the United States and others by direct legislative acts operating upon official reports submitted.

The United States, by the enlargement of the national domain, assumed obligations under the public law, and by treaties, to recognize all titles which had lawful inception prior to the transfer of sovereignty and soil.

A primary and important duty required the separation of private from the public property.

There is no one branch of jurisprudence where greater research and extent of legal erudition have been displayed than in the discussion and determination by the judicial tribunals of the intricate questions which in this connection have arisen.

The rule of recognition of private land claims generally has been a broad one, and they have been confirmed under the largest possible allowance of equity.

Ever since the province of Louisiana was acquired from France by the treaty of 30th April, 1803, the United States have earnestly and patiently sought by every proper expedient to induce persons claiming property in lands by virtue of grant, concession, order of survey, permission to settle, or any other authority whatsoever derived from former sovereigns, to make known their claims to the new Government, in order that their lands might be distinguished from the mass of the vacant domain which had vested in that new Government by the treaty, and which policy and necessity demanded should be surveyed, brought into market, and speedily sold to reimburse the price paid by the United States for the province. In practically carrying out this obvious and just design, many acts were passed, beginning with that of March 2, 1805. They are very numerous, and for the most part have long since been repealed, have expired by limitation, or have become obsolete; some of them applied only to particular districts, others to the whole State; some were of short duration, others were more extended, while others still revived, re-enacted, explained, or modified those preceding; some provided boards of commissioners, with deputy commissioners, before whom the claims were to be presented, while others, and the larger number, made the registers and receivers for the established land districts ex-officio commissioners for receiving and reporting on the claims; some conferred ample, others limited, powers upon the commissioners, and all denounced severe penalties from time to time against those who failed to present their claims.

DECISIONS OF THE SUPREME COURT OF THE UNITED STATES RELATING TO LOUISIANA AND FLORIDA PURCHASES.

The decisions of the Supreme Court of the United States in cases relating to the Louisiana purchase of 1803, and the Florida purchase of 1819, as to grants or private

land claims, are given below. The principles and law laid down therein fix the rule of interpretation governing this class of claims, under the treaties applicable thereto.

The decisions of the Supreme Court, in cases arising under these treaties, have been:

By the treaty of St. Ildefonso, made on the first of October, 1800, Spain ceded Louisiana to France; and France, by the treaty of Paris, signed the 30th of April, 1803, ceded it to the United States. Under this treaty the United States claimed the countries between the Iberville and the Perdido. Spain contended that her cession to France comprehended only that territory which, at the time of the cession, was denominated Louisiana, consisting of the island of New Orleans, and the country which had been originally ceded to her by France west of the Mississippi. The land claimed by the plaintiffs in error, under a grant from the Crown of Spain, made after the treaty of St. Ildefonso, lies within the disputed territory; and this case presents the question, to whom did the country between the Iberville and Perdido belong after the treaty of St. Ildefonso? Had France and Spain agreed upon the boundaries of the retroceded territory before Louisiana was acquired by the United States, that agreement would undoubtedly have ascertained its limits. But the declarations of France, made after parting with the province, cannot be admitted as conclusive. In questions of this character, political considerations have too much influence over the conduct of nations to permit their declarations to decide the course of an independent government in a matter vitally interesting to itself. (Foster *et al.* v. Neilson, 2 Peters, 306.)

If a Spanish grantee had obtained possession of the land in dispute, so as to be the defendant, would a court of the United States maintain his title under a Spanish grant, made subsequent to the acquisition of Louisiana, singly on the principle that the Spanish construction of the treaty of St. Ildefonso was right, and the American construction wrong? Such a decision would subvert those principles which govern the relations between the legislative and judicial departments, and mark the limits of each. (*Ibid.*, 309.)

The sound construction of the 8th article of the treaty between the United States and Spain, of the 22d of February, 1819, will not enable the court to apply its provisions to the case of the plaintiff. (*Ibid.*, 314.)

The article does not declare that all the grants made by his catholic majesty before the 24th of January, 1818, shall be valid to the same extent as if the ceded territories had remained under his dominion. It does not say that those grants are hereby confirmed. Had such been its language, it would have acted directly on the subject, and it would have repealed those acts of Congress which were repugnant to it; but its language is that those grants shall be ratified and confirmed to the persons in possession, &c. By whom shall they be ratified and confirmed? This seems to be the language of contract; and if it is, the ratification and confirmation which are promised must be the act of the legislature. Until such acts shall be passed, the court is not at liberty to disregard the existing laws on the subject. (*Ibid.*)

By the treaty by which Louisiana was acquired, the United States stipulated that the inhabitants of the ceded territories should be protected in the free enjoyment of their property. The United States, as a just nation, regard this stipulation as the avowal of a principle which would have been held equally sacred, although it had not been inserted in the treaty. (Soulard *et al.* v. The United States, 4 Peters, 511.)

The term property, as applied to lands, comprehends every species of title, inchoate or complete. It is supposed to embrace those rights which lie in contract; those which are executory, as well as those which are executed. In this respect the relations of the inhabitants of Louisiana to their government is not changed. The new government takes the place of that which has passed away. (*Ibid.*)

The stipulations of the treaty ceding Louisiana to the United States, affording that protection or security to claims under the French or Spanish government to which the act of Congress refers, are in the first, second, and third articles. They extended to all property, until Louisiana became a member of the Union; into which the inhabitants were to be incorporated as soon as possible, "and admitted to all the rights, advantages, and immunities of citizens of the United States." The perfect inviolability and security of property is among these rights. (Delassus v. The United States, 9 Peters, 117.)

The right of property is protected and secured by the treaty, and no principle is better settled in this country than that an inchoate title to land is property. This right would have been sacred, independent of the treaty. The sovereign who acquires an inhabited country, acquires full dominion over it; but this dominion is never supposed to divest the vested rights of individuals to property. The language of the treaty ceding Louisiana excludes any idea of interfering with private property. (*Ibid.*)

After the acquisition of Florida by the United States, in virtue of the treaty with Spain of 22d of February, 1819, various acts of Congress were passed for the adjust-

ment of private land claims within the ceded territory. The tribunals authorized to decide on them were not authorized to settle any which exceeded a league square; on those exceeding that quantity they were directed to report, especially, their opinion for the future action of Congress. The lands embraced in the larger claims were defined by surveys, and plats retained. These were reserved from sale, and remained unsettled until some resolution should be adopted for a final adjudication of them, which was done by the passage of the law of the 22d May, 1828. By the sixth section it was provided "that all claims to land within the Territory of Florida, embraced by the treaty, which shall not be finally decided and settled under the provisions of the same law, containing a greater quantity of land than the commissioners were authorized to decide, and above the amount confirmed by the act, and which have not been reported as antedated or forged, shall be received and adjudicated by the judges of the superior court of the district in which the land lies, upon the petition of the claimant, according to the forms, rules and regulations, conditions, restrictions, and regulations prescribed to the district judge, and to the claimants, by the act of 26th May, 1824." By a proviso, all claims annulled by the treaty, and all claims not presented to the commissioners, &c., according to the acts of Congress, were excluded. (United States v. Arredondo *et al.*, 6 Peters, 706.)

The validity of concessions of land by the authorities of Spain in East Florida is expressly recognized in the Florida treaty, and in the several acts of Congress. (*Ibid.*)

The eighth article allows the owners of land the same time for fulfilling the conditions of their grants from the date of the treaty as is allowed in the grant from the date of the instrument, and the act of the 8th of May, 1822, requires every person claiming title to lands under any patent, grant, concession, or order of survey dated previous to the 24th of January, 1818, to file his claim before the commissioners appointed in pursuance of that act. All the subsequent acts on the subject observe the same language; and the titles under these concessions have been uniformly confirmed when the tract did not exceed a league square. (*Ibid.*)

A claim to lands in East Florida, the title to which was derived from grants by the Creek and Seminole Indians, ratified by the local authorities of Spain before the cession of Florida by Spain to the United States was confirmed. It was objected to the title claimed in this case, which had been presented to the superior court of Middle Florida, under the provisions of the act of Congress for the settlement of land-claims in Florida, that the grantees did not acquire, under the Indian grants, a legal title to the land: *Held*, That the acts of Congress submit these claims to the adjudication of this court as a court of equity; and those acts, as often and uniformly construed in its repeated decisions, confer the same jurisdiction over imperfect, inchoate, and inceptive titles, as legal and perfect ones, and require the court to decide by the same rules on all claims submitted to it, whether legal or equitable. (Mitchell *et al.* v. The United States, 9 Peters, 711.)

Under the Florida treaty, grants of land made before the 24th January, 1818, by his catholic majesty, or by his lawful authorities, stand ratified and confirmed to the same extent that the same grants would be valid, if Florida had remained under the dominion of Spain; and the owners of conditional grants, who have been prevented from fulfilling all the conditions of their grants, have time by the treaty extended to them to complete such conditions. That time, as was declared by the Supreme Court in Arredondo's case, 6 Peters, 478, began to run in regard to individual rights from the ratification of the treaty; and the treaty declares, if the conditions are not complied with within the terms limited in the grant, that the grants shall be null and void. (United States v. Kingsley, 12 Peters, 476.)

The treaty with Spain by which Florida was ceded to the United States, is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights, and immunities of the citizens of the United States. They do not, however, participate in political power; they do not share in the Government until Florida shall become a State. In the mean time Florida continues to be a Territory of the United States, governed by virtue of that clause in the Constitution which empowers "Congress to make all needful rules and regulations respecting the territory or other property belonging to the United States." (American Ins. Co. v. Three Hundred and Fifty-six Bales of Cotton, 1 Peters, 542.)

The object of the treaty with Spain which ceded Florida to the United States, dated 22d February, 1819, was to invest the commissioners with full power and authority to receive, examine, and decide upon the amount and validity of asserted claims upon Spain, for damages and injuries. Their decision, within the scope of this authority, is conclusive and final, and is not re-examinable. The parties must abide by it as a decree of a competent tribunal of exclusive jurisdiction. A rejected claim cannot be brought again under review, in any judicial tribunal. But it does not naturally follow that this authority extends to adjust all conflicting rights of different citizens to the fund

so awarded. The commissioners are to look to the original claim for damages and injuries against Spain itself; and it is wholly immaterial who is the legal or equitable owner of the claim, provided he is an American citizen. (Comegys *et al.* *v.* Vasse, 1 Peters, 212.)

After the validity and amount of the claim has been ascertained by the award of the commissioners, the rights of the claimant to the fund, which has passed into his hands and those of others, are left to the ordinary course of judicial proceedings in the established courts of justice. (*Ibid.*)

The treaty with Spain recognized an existing right in the aggrieved parties to compensation, and did not, in the most remote degree, turn upon the notion of donation or gratuity. It was demanded by our Government as matter of right, and as such was granted by Spain. (*Ibid*, 217.)

The right to compensation from Spain, held under abandonment made to underwriters, and accepted by them for damages and injuries, which were to be satisfied under the treaty by the United States, passed to the assignees of the bankrupt, who held such rights by the provisions of the bankrupt law of the United States, passed April 4, 1800. (*Ibid.*)

The King of Spain was the grantor in the Florida treaty; the treaty was his deed; the exception was made by him; and its nature and effect depended on his intention, expressed by his words, in reference to the thing granted, and the thing reserved and excepted in the grant. The Spanish version was in his words, and expressed his intention; and although the American version showed the intention to be different, the Supreme Court cannot adopt it as a rule to decide what was granted, what excepted, and what reserved. (United States *v.* Arredondo *et al.*, 6 Peters, 741.)

Even in cases of conquest it is very unusual for the conqueror to do more than to displace the sovereign and assume dominion over the country. The modern usage of nations, which has become law, would be violated; that sense of justice and of right, which is acknowledged and felt by the whole civilized world, would be outraged if private property should be generally confiscated, and private rights annulled, on a change in the sovereignty of the country by the Florida treaty. The people change their allegiance, their relation to their ancient sovereign is dissolved, but their relations to each other, and their rights of property remain undisturbed. Had Florida changed its sovereign by an act containing no stipulation respecting the property of individuals, the right of property in all those who became subjects or citizens of the new government would have been unaffected by the change. It would have remained the same as under the ancient sovereign. (United States *v.* Percheman, 7 Peters, 51.)

The language of the second article of the treaty between the United States and Spain, of 22d February, 1819, by which Florida was ceded to the United States, conforms to this general principle. (*Ibid.*)

The eighth article of the treaty must be intended to stipulate expressly for the security to private property, which the laws and usages of nations would, without express stipulation, have conferred. No construction which would impair that security, further than its positive words require, would seem to be admissible. Without it, the titles of individuals would remain as valid under the new government as they were under the old. And those titles, so far at least as they were consummated, might be asserted in the courts of the United States, independently of this article. (*Ibid.*)

The treaty was drawn up in the Spanish as well as in the English languages. Both are original, and were unquestionably intended by the parties to be identical. The Spanish has been translated; and it is now understood that the article expressed in that language is, that "the grants shall remain ratified and confirmed to the persons in possession of them, to the same extent," &c., thus conforming exactly to the universally received law of nations. (*Ibid.*)

If the English and Spanish part can, without violence, be made to agree, that construction which establishes this conformity ought to prevail. (*Ibid.*)

No violence is done to the language of the treaty by a construction which conforms the English and Spanish to each other. Although the words "shall be ratified and confirmed" are properly words of contract, stipulating for some future legislation, they are not necessarily so. They may import that "they shall be ratified and confirmed" by force of the instrument itself. When it is observed that in the counterpart of the same treaty, executed at the same time, by the same parties, they are used in this sense, the construction is proper, if not unavoidable. (*Ibid.*)

In the case of Foster *v.* Neilson, 2 Peters, 253, the Supreme Court considered those words importing a contract. The Spanish part of the treaty was not then brought into view, and it was then supposed there was no variance between them. It was not

supposed that there was even a formal difference of expression in the same instrument, drawn up in the language of each party. Had this circumstance been known, it is believed it would have produced the construction which is now given to the article. (*Ibid.*)

PRIVATE LAND CLAIMS UNDER THE DEFINITIVE TREATY WITH GREAT BRITAIN, SEPTEMBER 3, 1783.

The first private land claims the United States had to consider were within the national domain as settled by the definitive treaty of peace with Great Britain, September 3, 1783. They were in the Northwestern Territory, at Post Vincennes, now in Indiana, and at Kaskaskia, now in Illinois, and up the Mississippi River. These grants or concessions were made to French or British citizens, and others, for agricultural lands, farms, town lots, &c. They were made by French and British military commandants prior to the year 1783, but usually were written upon a small scrap of paper. They were seldom, if ever, recorded in the notary's office, and so were lost or destroyed. One of the royal notaries, during the government of France, ran away with all the records of Post Vincennes. These were mentioned and the lands embraced in them reserved by the State of Virginia in her cession to the Nation of her western lands. Gov. Arthur St. Clair issued a proclamation at Kaskaskia in March 1790, calling upon all claimants to file evidence of their title.

Grants were attempted by John Todd, for Kaskaskia, sent by Virginia to regulate the government of Post Vincennes and the country claimed by the State of Virginia, in his proclamation of June 15, 1789. The British and French commandants of Post Vincennes delegated their authority to grant lands, which they assumed to have, because such usage was the rule with their respective governments, to a court of civil and criminal jurisdiction, whose grants, before 1783, amounted to 26,000 acres, and after that time and to 1787 to 22,000 acres, in parcels of 400 acres to heads of families for house lots. (For details of these grants see American State Papers, vol. I.) The State of Virginia opened such a court in the year 1780. (See American State Papers, vol. 1, Public Lands; also proclamations of General Gage, British commander, from New York, December 30, 1764, and April 8, 1772.)

These grants were all equitably adjusted by the United States, by aid of a series of commissions and commissioners, running through a space of more than forty years. (See Stats. at Large.)

During the British government of the Northwestern Territory, now Ohio, Indiana, Illinois, Michigan, &c., beginning in the Wabash country, numbers of persons organized themselves into companies for colonization and trading, holding lands, &c. They were organized under different names, such as the Ohio, the Wabash, the Illinois, the Mississippi, and Vandalia companies. These companies claimed a vast region of country extending north of the Ohio, from the Muskingum to and beyond the Wabash and north into Michigan. Some of them obtained permits on conditions which were never fulfilled, and others were in negotiation when the definitive treaty of peace in 1783 ended British rule. Their titles were never confirmed by grants. The Illinois and Wabash Companies claimed several millions of acres on those rivers on titles derived solely from Indian purchases, made in 1773–'75, by unauthorized individuals. Such purchases were expressly forbidden by the King of England in his proclamation of 1763, under which England assumed government of the country embraced within the Northwestern Territory. A commission was appointed, under authority of Congress, which reported against most of their claims.

Among claims of the character above set out was one known as the Captain Carver claim for six or seven millions of acres of land on the east side of the Mississippi River, between the falls of Saint Anthony and Lake Pepin, in Illinois Territory. The alleged grantee claimed title on a deed of gift from the Nandowessie Indians, with whom he passed the winter of 1766–'67, being contrary to the King's proclamation of 1763, in relation to lands held by Indians, which prohibited and forbid such transfers of titles to

lands or acceptance of the same. Shares were sold in this grant, and its limits can be found marked on the map of the United States published by Melish in 1811–'12. This claim was not confirmed. For a list of land commissioners at various times, beginning with Arthur St. Clair, December 10, 1794, and running through a series of more than 40 years, see Laws Relating to Public Lands, by Matthew St. Clair Clarke, Washington, D. C., 1878.

There were also some large grants made by Col. John Wilkins, British commander near Kaskaskia, Illinois, in favor of J. Edgar and J. M. St. Clair, at Fort Chartres, April 12, 1769. There was no evidence that these grants were ever confirmed by the British Government. August 12, 1800, Gov. Arthur St. Clair, commissioner to adjust titles in the Illinois country and at Vincennes, on the Wabash, under acts of Congress of June 20 and August 28, 1788, issued an act of confirmation, but this was void, because his powers over that part of the territory had ceased July 4 preceding, by the establishment of Indiana Territory. This tract contained about 30,000 acres. For details of these grants and claims for grants, see American State Papers, vol. 1, Public Lands, and "Laws of United States having operation and respect to the Public Lands," Albert Gallatin, Washington, D. C., 1817.

The grants in what is now the State of Michigan were for agricultural lands adjacent to the town of Detroit. Some of these grants dated back to the French discovery and occupation, and came from the French governor of Canada and Louisiana. About the year 1700 they were issued by the commandant of the King, at Detroit; next by the governor and intendant of New France and Louisiana, in the years 1735 and 1737, and confirmed by the King. There were additional grants after this by the same power. After 1763, by proclamation of the King of Great Britain, grants of land were made by the governor of the province of Quebec (of which the present State of Michigan formed a part), until after 1783.

Commissioners were appointed by Congress, under the act of March 26, 1809, to consider and report upon all these claims. (See report of G. Hoffman and Fred. Bates; also of Judge A. B. Woodward, vol. 1 Public Lands, American State Papers.)

These claims, as reported, were confirmed upon equitable principles, and were for small tracts of land, and affected a little more than 500 settlers. The largest grants made under the French governors seldom exceeded 360 American acres, but were generally much less. Under British rule there were about 100 claimants for lands held under grants. These are still pending in the General Land Office.

GRANTS IN WEST FLORIDA.

There were a series of grants in what is now the State of Mississippi, within the jurisdiction of the United States, which had been made by the British governors of the British province of West Florida prior to 1783. This province embraced so much of the present States of Alabama and Mississippi as lie north of the parallel 31° north latitude (the present north boundary line of the State of Florida) to a line drawn east across the two States from the mouth of the Yazoo River.

The United States, by the act of Congress of March 3, 1803, provided for the confirmation of these claims, requiring, in the first instance, actual settlement upon the land. These claims have been settled and confirmed. They were few in number, and the area small. (See American State Papers, Public Lands, vols. 1 and 2.)

PRIVATE LAND CLAIMS UNDER THE TREATY OF APRIL 30, 1803, WITH FRANCE, FOR THE PURCHASE OF THE PROVINCE OF LOUISIANA.

April 30, 1803, the United States purchased from France the province of Louisiana. The area embraced within this purchase contained numerous grants and claims for grants alleged to have been issued from under the hand of the agents of the two great colonizing powers which preceded the United States in sovereignty.

The first man that crossed the Mississippi was undoubtedly De Soto, who reached it by land more than two and a quarter centuries ago, taking a northwesterly direction

from the country of the Appalachicolas in Florida, east of Flint River; and yet the Spaniards had navigated the Gulf of Mexico for nearly two centuries without being aware that the largest river on the globe discharged its waters into that American sea.

In 1672 the French, who had settled a century before in Canada, had learned from the Indians that the sources of a great river running south existed in the vicinity of the lakes. In the year following, Marquette and Joliet crossed the country from Lake Michigan to the Mississippi, descending that river to the Arkansas. A few years later (1679) La Salle set out on an exploration of the Mississippi Valley, and subsequently descended the Illinois to its junction with the Mississippi, passing the mouth of the Missouri, erecting the cross by the Arkansas, and planting the arms of France near the Gulf, taking possession, on behalf of his nation, founding the Fort of Saint Louis, and giving the country the name of Louisiana from his sovereign, Louis XIV. At a later period D'Iberville sailed from Rochelle, in France, reaching (1699) by sea the mouth of the Mississippi. The French, when possessing a great portion of this continent, applied the general name of Louisiana to all the territories south and west of Canada.

More than half a century subsequent to the events just mentioned, D'Abbadie, director-general of Louisiana, granted to Pierre Lequiste La Clede, and company the right to trade with the Indians. On the 15th of February, 1764, he established the site of Saint Louis, the government of the country having been organized in 1765 by Saint Ange, although three years prior to the latter date, by a special act, done at Fontainbleau, November 3, 1762, France, by secret treaty, had ceded Louisiana to Spain; yet it was not until the 21st of April, 1764, that Louis XV dispatched orders from Versailles to the French director-general and commandant, D'Abbadie, in Louisiana, to acquaint the colony with the transfer, which, however, did not pass under actual Spanish domination until 1768, when the captain-general, Don Antonio D'Ulloa, assumed the chief provincial authority, yet was succeeded by the Spanish General O'Reilly, who suppressed the French resistance to the transfer. The political and land administration in Upper Louisiana thereafter passed under the jurisdiction of Lieutenant-Governor Pedro Piernas, 1770; Francisco Cruzat, 1775; Fernando de Leyba, 1778; Francisco Cruzat, 1780; Manuel Pierez, 1787; Zenon Trudeau, 1792; Carlos Dehault Delassus, 1799.

During the administration of these Spanish lieutenant-governors, the granting power of the royal domain was freely exercised in Upper Louisiana, and the records of these grants, which lie at the foundation of the early Missouri titles, are found in the Livres Terreins.

By secret treaty of October 1, 1800, at St. Ildefonso, Spain ceded the province according to its ancient limits to the French Republic, and by treaty of 1803, Napoleon, as First Consul, transferred Louisiana to the United States, Laussat, the French commissioner, having announced this on the 30th of November, 1803, at New Orleans. Thereupon the Spanish Marquis de la Cassa Calvo delivered possession, absolving the Spanish subjects who might remain from their oath of fidelity to the Catholic King, the French authority having lasted only from the 30th of November to the 20th of December, 1803, at which latter date the sovereighty was transferred to the United States.

In virtue of the treaties and public acts aforesaid, the United States succeeded to the sovereignty and proprietary ownership of the public land in the vast territory to which La Salle had given its name, and the duty thereupon devolved upon this Government of carrying out the ultramarine land policy of France and Spain in regard to grants valid under treaty, in connection with the American land system under numerous laws which have since been passed by Congress.

The French and Spanish pioneers have left the evidences of their power and the memorials of their peculiar agragian systems in the diversified, irregular forms of grants, from urban in-lots and out-lots, rural tracts of inconsiderable dimensions, from 100, 200, 300, 800, 1,600, to 7,056 arpens, or a league square, and increasing in extent by tens of thousands of arpens, the arpent of Paris being the standard of provincial measurement.

The grants made by these Spanish and French governors were within what is now the States of Louisiana, Missouri, and Iowa, and have been generally acted upon by the United States, and confirmed or rejected, except in the State of Louisiana, where there are still some unadjudicated claims now filed for grants or pretended concessions for millions of acres of land. Many of those filed ran through years of litigation.

Among these were several famous claims.

THE BASTROP GRANT.

Bastrop's claim was located on the river Washita, in the Territory of Orleans. This was only a contract between the Spanish governor of Louisiana and Baron Bastrop, by which a tract 12 leagues square was promised to him on condition of his settling thereon 500 families, to each of which 400 arpens of the land was to be allotted gratis. The whole tract was claimed as a fee-simple estate, held under a complete title, but was rejected by the Supreme Court of the United States.

In pursuance of the act of 3d March, 1851, certain claims were presented to the register and receiver at Monroe, La., for confirmation, upon which those officers made a report, 30th July, 1852, which was confirmed by the act of June 29, 1854. The parties who presented said claims generally claimed title under de Bastrop. (10 Stats., p. 299.)

THE MAISON ROUGE CLAIM.

The Maison Rouge claim, also on the river Washita, was of the same nature with the preceding. But the contract was approved by the King of Spain, and a certificate was, subsequent to the cession to the United States, obtained from the Spanish officers, stating that the conditions had been fulfilled by the claimant. There was no patent in either case; and the assent of the King, which, from its being obtained to the contract with Maison Rouge, seems to have been requisite in large grants. It may be generally observed that, the archives and documents relative to the domain of Louisiana not having been left, in conformity with the treaty, in the possession of the United States, the extent of the powers of the governors or intendants to grant land beyond the usual concessions to settlers not being known it was difficult to decide on the validity of many claims. This grant was also rejected by the Supreme Court of the United States.

THE HOUMAS GRANT.

The Houmas claim was for land on the island of New Orleans. This claim was originally for a tract about a league in length, on the left bank of the Mississippi, with a depth of about half a league. The owner having no timber, asked and obtained from the Spanish governor of Louisiana a *back concession* as far as the vacant lands extended. The owners claimed all the land contained between the lines, protracted on one hand to Manchac at the mouth of the Iberville, and on the other to the lower extremity of Lake Maurepas; which would include about 120,000 acres of the most valuable vacant land on the island, but the grant has been decided by the Secretary of the Interior to be valid only to the extent of 42 arpens from the Mississippi River.

LEAD MINES AT GENEVIEVE.

Two extensive claims, of a doubtful nature, were laid to some of the lead mines near Genevieve and other settlements in Louisiana. The first derived from Philip Renaut, to whom a grant had been made in 1723, by the local authorities, and who returned to France in 1744, from which time his claim had lain dormant till the year 1807. The power of the officers who made the grant is doubted; and if the charter of the French western or Mississippi company, was similar to that of Crozat, mines on being abandoned for three years reverted to the Crown. The other rested on an application of St. Vrain Lassus, to the governor of Louisiana, for 10,000 acres to be located on lead mines, salt springs, &c., where, and in as many tracts as, the applicant

might choose. The governor, in February, 1796, wrote at the bottom of the petition, "granted." But no warrant of survey was given, nor any attempt made to take up any land during the continuance of the Spanish authorities. The present holder of the supposed grant claims, by virtue of it, and efforts are now being made in Congress to secure the confirmation of the same or its equivalent in certificates of location.

DUBUQUE LEAD MINES.

The claim to Dubuque's lead mines in Louisiana, about 500 miles above Saint Louis, now in Iowa, and including 140,000 acres of land, was derived from a cession by the Indian tribe of Foxes, which appears to have been a mere *personal* permission to Dubuque to occupy and work mines as long as he pleased. The confirmation by the Spanish governor of Louisiana, only granted the petitioner's request to keep peaceable possession, according to the tenor of the Indian permission. There was neither order of survey nor patent, but the land was nevertheless claimed as if held under a perfect title.

Toward the close of the last century Julien Dubuque found his way up to this distant point, over 1,600 miles above New Orleans. On the 22d September, 1788, the Renards, the Fox or Ontagami Indians, held a full council at Green Bay. They there declared they had given permission to Julien Dubuque, whom they called Little Night, to work the mines in that locality as long as he pleased, and that they had sold and abandoned to him all the coast and contents of the mine discovered by Peosta's wife, so that no one could make any claim without the consent of the Sieur Julien Dubuque.

Eight years afterward Dubuque petitioned the governor-general of Louisiana, the Baron de Carondelet, at New Orleans, to grant him the peaceable possession of the premises, which he had designated Spanish Mines, in honor of the country of his adoption. The petition was referred to the merchant (Indian trader) Don Andres Todd. In the *information* returned to the governor no objection was interposed to the grant, with the condition that the grantee should observe the royal regulations relative to the trade with the Indians. The concession was made accordingly at New Orleans on the 10th December, 1796, by the governor-general, Carondelet, who was the fourth successor of General O'Reilly, mentioned in the foregoing as having crushed out French resistance to the transfer of Louisiana to Spain, Unzaga, Galvez and Miro having been the intermediate governors. The Dubuque-Chouteau title (Chouteau having become part purchaser) was drawn fully in review thirteen years ago by the Supreme Court of the United States (Chouteau *v.* Molony, 16 Howard), in which it was ruled, in substance, to be merely a privilege to search for mines, and so as a complete or valid allodial title it fell to the ground, having no status against the proprietary rights of the United States in virtue of the treaty of cession in 1803.

The colony established by Dubuque, whose remains lie buried in the bluff, was driven away by the Indians; but white settlements were re-established in 1830; the Indian title was extinguished in 1833.

NEW ORLEANS BATTURE.

This claim rested on a supposed right of alluvion. This is the case in which Mr. Jefferson and Mr. Edward Livingston had their famous contest. The batture was the land made by accretion or deposit of the Mississippi River, in this instance in front of the city of New Orleans. The lands embraced in it were surveyed into squares and lots and sold at auction. The money was deposited to the credit of the Supreme Court of the United States to await decision of the cause. That court decided in favor of the city of New Orleans. One attorney in this cause received a fee of $100,000 (Mr. Grymes). Mr. Webster, Mr. Jefferson, and Mr. Grymes were in this cause for the Government and city, and Mr. Edward Livingston against them. It was claimed that the batture was embraced within the lines of a plantation adjoining New Orleans, purchased from the Crown forty years prior to the cession of Louisiana to the United States.

REFERENCES.

For form of grants, authorities to Spanish and French governors and intendants, regulations as to use of grants, &c., in the Province of Louisiana, see "Laws Relating to the Public Lands," appendix, 1827.

Also, see U. S. Stats. at Large for the several acts of Congress after 1804, relating to private land claims in the Province of Louisiana, *i. e.*, in the States of Louisiana, Missouri, &c.

Also, see Mr. Gallatin's instructions to the land commissioners in Louisiana and Missouri, to J. B. C. Lucas, C. B. Penrose, and J. L. Donaldson, commissioners on behalf of the United States, September 3, 1806, and November 14, 1806.

See American State Papers, vol. 2, Public Lands.

See "Laws, Charters, and Local Ordinances of Great Britain, France, and Spain," relating to concessions of land in their colonies, J M. White, 2 vols., 1839.

Boards of commissioners were instituted by various acts of Congress, beginning on March 2, 1805, for the purpose of investigating these claims, one for Louisiana, two for the Mississippi, and two for the Orleans Territory. The rules prescribed by law to the commissioners have varied according to the nature of the claims respectively coming before them. But the object appears uniformly to have been to guard against unfounded or fraudulent claims, to confirm all bona fide claims derived from a legitimate authority, even when the title had not been completed, and to secure in their possessions all the actual settlers who were found on the land when the United States took actual possession of the country where it was situated, though they had only a right of occupancy. In some cases, also, a right of pre-emption has been granted to persons who had occupied lands in the Mississippi Territory subsequent to the time when the United States had taken possession. The commissioners in that Territory were authorized to decide finally on the claims; they completed their work, and the boards were dissolved. The commissioners for the Territories of Michigan, Indiana, and Illinois were only authorized to investigate the claims, and to report their opinion to Congress. Their respective reports were made years ago, and their confirmations ratified by Congress, and the whole business completed. In the Territories of Orleans and Louisiana, the commissioners were authorized to decide finally on all claims not exceeding one league square, and to report their opinion to Congress on those of a greater extent, or for lead mines.

June 22, 1860, Congress passed an act for the final adjudication of private land claims in the States of Florida, Louisiana, and Missouri.

The act constituted the registers and receivers of the several land offices in Florida, Louisiana, and the recorder of land titles at Saint Louis for the State of Missouri, commissioners to hear and decide, under instructions from the General Land Office, all matters respecting claims to land within their several districts. The law conferred power upon them to receive only such claims as were founded on *written* grants, and hence interdicted action upon any interest founded merely on ancient settlement, when the same was unaccompanied by paper title from the authorities of the former government.

This act was continued in force for three years by act of Congress of March 2, 1867, and was revived, amended, and extended, by the act of June 10, 1872, for three years longer. These statutes authorized the reception and action upon such claims for tracts within the several districts as emanated from any foreign government, bearing date prior to the cession to the United States of the territory out of which the States were formed, or during the period when any such government claimed sovereignty or had the actual possession of the district or territory in which the lands so claimed are situated. This warranted them in receiving and acting, not only upon claims which originated under the former governments while the authorities exercised the granting power *de jure*, before the cession of the country, but also allowed claims to be received which were made by the Spanish authorities while they were in actual occupancy of territory as the government *de facto*. Thus, for example, Spain parted

with authority over the province of Louisiana by the secret treaty of 1800 at San Ildefonso, when that power ceded Louisiana to France. During the period that elapsed from that time to the cession to the United States in 1803, by Napoleon, the Spanish authorities exercised the granting power; and so, several years subsequent to 1803, Spain, while in occupancy of the ancient province of Louisiana between the Iberville or Manchac and the Perdido, continued to make land concessions; and during this period the grants were, of course, those of the government *de facto*. Titles of this class stood excluded by the ruling of the Supreme Court of the United States in the case of Foster and Elam *v.* Neilson (2 Peters, 253), in which an elaborate decision was rendered by the Chief Justice against their validity under the then existing laws and treaties. By the force and effect of the said acts of 1860 and 1867, a status was given to claims founded on titles from *de facto* governments after the authority *de jure* had passed from them, a principle being thus legislatively recognized which had not previously been admitted in the judicial rulings of the Supreme Court of the United States.

The act of June 12, 1866, provided for the confirmation of outstanding titles in Saint Louis, and so the private land claims and grants have all been adjusted, with exceptions noted, under the definitive treaty of peace with Great Britain in 1783, under the Spanish purchase, and all under the Louisiana purchase of 1803, except in the State of Louisiana.

In the United States surveyor-general's office at New Orleans are filed 784 claims for lands granted under authority of the sovereigns of France or Spain prior to the acquisition of the territory by the United States under the treaty of purchase of 1803.

These claims have been located and surveyed. Many of them were surveyed by the United States in 1830, fifty years ago. They aggregate about 80,000 acres, and in area are from 0.34 of an acre to one of 2,792 acres.

These are now awaiting an act of confirmation by Congress, the full details being given in the report of the surveyor-general of Louisiana, together with a list of such claims now pending. See, also, "Letter from the Secretary of the Interior," of date March 8, 1880, transmitting information as to these claims. (S. Ex. Doc. No. 111, second session, Forty-sixth Congress.)

Relative to private land claims in Louisiana, it would be impossible without a long and tedious examination of the files, containing many thousands cases both patented and unpatented, to approximate with any degree of certainty the number of claims not patented, and for which patent certificates and special plats of survey are on file in the General Land Office.

The claims are disposed of as called up by the parties in interest, or their duly authorized attorneys—*e. g.*, an application being made for a patent in a specific case, an an examination is first made of the files, of which there are alphabetical indexes showing the name of the confirmee, and if the necessary papers are found constituting the basis of patent, they are examined to ascertain that the confirmation is properly set forth therein, which fact must also be carefully inquired into from the records, that the claim is correctly surveyed, and, generally, that the papers are in all respects correct; then, if the examination results satisfactorily, the patent is issued; while, on the other hand, if the papers are not found the party is so advised, and they must be filed before action is taken.

The foregoing statement has reference merely to such cases as are pending upon applications for patents.

The claims, aggregating many thousands, which have been reported by the various boards of commissioners, and confirmed by Congress from time to time, might be properly termed cases in the General Land Office for action, although in numerous instances the papers constituting the bases of patents are not on file there.

The reports are there, however, and as that office is repeatedly called upon to furnish information upon questions of title, they afford ample facilities for that purpose.

This also applies to Alabama, Mississippi, Arkansas, Florida, Missouri, Illinois, Indiana, and Michigan.

CLAIMS UNDER THE TREATY WITH SPAIN OF FEBRUARY 22, 1819, FOR THE PROVINCES OF EAST AND WEST FLORIDA.

By the eighth article of the treaty of cession with Spain the provinces of East and West Florida were ceded to the United States, provision being made for the protection of the inhabitants in their real possessions.

Immediately after the United States took possession Congress acted upon this matter by passing an act, May 8, 1822, providing for the appointment of commissioners to receive and file claims for cessions prior to January 24, 1818. By the supplemental act of May 23, 1828, provision was made for the final adjudication of all private land claims by the judges of the superior courts of the districts wherein the lands claimed were situated. This act provided a mode of procedure in the courts and for an appeal, in case of judgment against the United States, to the Supreme Court of the United States. Numerous confirmations were made in pursuance of these laws, which were subsequently surveyed by the United States.

The number of *surveyed* private land claims in Florida, as shown by the plats of the same in the "History of Florida," prepared by the surveyors-general of said State, and on file in the General Land Office are 866, embracing a total area of 1,250,519.75 acres.

REFERENCES.

See reports of surveyors-general of Florida in annual reports of General Land Office from 1830 to 1880; Laws, Charters, and Local Ordinances of the Governments of Great Britain, France, and Spain "relating to the concessions of land in their respective colonies," by Joseph M. White; 2 vols. Philadelphia, Pa., 1839; and decisions of the Supreme Court United States, cited on pages 367–370.

PRIVATE LAND CLAIMS UNDER THE TREATY WITH MEXICO OF GUADALUPE HIDALGO, FEBRUARY 2, 1848, AND UNDER GADSDEN PURCHASE OF DECEMBER 30, 1853.

Private land claims and grants, under the authority of the Spanish and Mexican Governments, which were made prior to February 2, 1848 (the date of the treaty of Guadalupe Hidalgo), in the now Territories of New Mexico and Arizona and States of California and Colorado, were by the eighth article of the treaty with Mexico to be confirmed.

In 1849 J. Butterfield, Commissioner of the General Land Office, called the attention of Congress to these grants—

It is, then, the obvious and indispensable duty of our Government to take decisive measures for the recognition of good claims, for the extinction of fraudulent ones, and for the selection and withdrawal from the mass of public property of all lands requisite for military fortifications, arsenals, depots, light-houses, or other public uses, so that our system may be unimpeded and free from embarrassment in disposing of the public lands.

July 11, 1849, Hon. Thomas Ewing, Secretary of the Interior, dispatched William Carey Jones, esq., to California and the city of Mexico to examine into the character and condition of land titles in California. His instructions were issued by the Commissioner of the General Land Office July 5, 1849, and were approved by the Secretary of the Interior July 12, 1849. (See report of Agent Jones, Ex. Doc. No. 18, first session Thirty-first Congress.)

March 1, 1849, Capt. H. W. Halleck submitted to Col. R. B. Mason, governor of California, a report on the laws and regulations relative to grants or sales of public lands in California.

This report details the land and land-grant systems which grew up under the auspices of old Spain and Mexico. It showed that it did not rest upon loose, uncertain, unwritten data, but was founded upon written orders, regulations, and decrees, which, from time to time, were promulgated; beginning, in 1773, with instructions from the viceroy of Mexico to the military commandant of the new establishments of San Diego and

Monterey, authorizing him to grant lands to individuals in the vicinity of missions or pueblos; then upon orders from the viceroy in 1774 to the commandant to assign lots to soldiers marrying baptized Indian women; upon instructions from the viceroy in 1877, to establish two pueblos, and allot lands to the colonists, looking to the requirements of Spanish vessels touching from the East Indies, and to the furnishing supplies to the garrison of the presidios; upon regulations prepared in 1779 by Governor Don Felipe de Neve, and approved by the King in a royal order of 1781, in reference to colonization, erecting pueblos, for distribution of house lots and farm lots ("*solares y suertes de tierras*"), &c.; upon an order in 1791 to the governor, authorizing captains of presidios to grant and distribute lots within a certain specified distance from the center of presidio squares; and, after the Mexican revolution, upon a decree of the republic in 1824, as defined by regulations in 1828, empowering the political chiefs of the territories to grant, with certain exceptions and under limitations, the vacant lands, subject to the approval of the territorial deputation, or of the supreme government of Mexico. Under these successive orders, regulations, decrees, &c., grants were been made by the constituted authorities down to the 7th July, 1846, when the American flag was hoisted at Monterey, and possession taken in the name of the United States.

It appears, further, that the mission establishments were *secularized*, pursuant to a decree of the Mexican Congress in 1833, and became national property. (See H. Ex. Doc. No. 17, first session, Thirty-first Congress. This report also contains tables of land measurements, &c.)

The President urged action on Congress in 1850-'51 in relation to those claims.

September 30, 1851, Samuel D. King, United States surveyor-general of California, in reporting upon the lands in California, said:

It must be remembered that until within a very few years, and as long as the country remained under the Spanish and Mexican jurisdiction, the lands in this extreme and very sparsely settled portion of their territory were considered as being of very little if any value, except as open ranges for numerous large herds of horses, or for cattle raised solely upon account of their hides and tallow, the then almost only articles of export.

Hence the lands were freely granted away to those desirous of establishing ranches for this purpose, and in large sized tracts. But very few indeed, if any, of these grants were ever actually surveyed under the former governments. The grants, generally, after specifying the length and breadth of the tract, or its area, as being at a particularly designated place, describe it by some general and vague reference to other grants, water-courses, or mountain ranges, or refer to a rough figurative plat or sketch accompanying the application or grant as defining the boundaries.

LEGISLATION BY THE CONGRESS OF THE UNITED STATES—CALIFORNIA.

In pursuance of the provisions contained in the eighth article of the treaty of Guadalupe Hidalgo, the Congress of the United States passed an act which was approved on the 3d of March, 1851 (9 Stats., p. 631), entitled "An act to ascertain and settle the private land claims in the State of California," which provided for the appointment of a commission composed of three commissioners, to continue for three years, with a secretary qualified to act as interpreter, and necessary clerks, and a law agent to represent the United States.

Claimants under Spain and Mexico were required to present their claims to the commissioners, sitting as a board, with the evidence in support of the same.

The commissioners were authorized to issue subpœnas, administer oaths, take testimony, and decide as to the validity of claims; and therein to be governed by the treaty of Guadalupe Hidalgo, the law of nations, the usages and customs of the former government, the principles of equity, and the decisions of the Supreme Court of the United States as far as applicable; and were required to report their decisions to the United States district attorney of the district in which the decision should be made.

Appeal by the claimant and the district attorney was authorized to the United States district court, with further appeal to the Supreme Court of the United States.

Lands claimed, but claim rejected by the commission or by the courts, or claimed, but claim not presented within two years from date of the act, to be deemed public lands of the United States; and for lands finally confirmed patents to issue, upon surveys thereof to be made by the surveyor general.

It also provided for contesting claims by outside parties, and that final decrees on claims should be conclusive only as between the United States and the claimants.

The act of August 30, 1852 (10 Stats., p. 99), section 12, provided for the appointment of an assistant law agent, and for the filing of transcripts which should operate as an appeal for proceeding thereupon.

The act of January 18, 1854 (10 Stats., p. 265), extended the act of March 3, 1851, one year for determining the claims presented under it, and authorized the board to appoint commissioners, not exceeding three, to take testimony.

By the act of February 23, 1854 (10 Stats., p. 268), certain persons named therein were authorized to present their claims within six months thereafter.

By the act of January 10, 1855 (10 Stats., p. 603), the provisions of the act of March 3, 1851, and of the second section of the act of January 18, 1854, were continued in force for one year from March 3, 1855, and the commissioners, or either of them, were authorized to issue subpœnas.

By the sixth section of the act of March 2, 1855 (10 Stats., p. 632), the judge of the United States circuit court was authorized to sit in the United States district court in cases of appeal from the board of land commissioners.

By the act of May 11, 1858 (11 Stats., p. 287), the United States district court in one district was authorized to issue subpœnas, or *subpœnas duces tecum*, into the other district.

The act of May 18, 1858 (11 Stats., p. 289), provided for the collection, arranging, and safe keeping of the Spanish and Mexican archives in Upper California in the office of the surveyor-general, and prescribed punishment for the alteration, mutilation, concealment, or interpolation of the same.

The second section of the act of May 18, 1858 (11 Stats., p. 290), prescribed punishment for all forms of fraud in titles to lands in California claimed under Mexican authority.

By the act of June 14, 1860 (12 Stats., p. 33), surveys of private land claims in California to be made were required to be published in the manner prescribed; and, on application of any party interested, or of the district attorney on part of the United States, to the United States district court, the survey might be ordered into court, and, upon notice given, the court should hear proofs, &c., and might approve, reject, or order the survey amended. If no order for return of survey into court should be procured, or on final approval of survey by the court, the survey was to be transmitted by the surveyor-general to the Commissioner of the General Land Office, patent was to be issued thereon, and a survey finally determined by publication, order, or decree, was to have the same validity in law as if a patent for the land surveyed had been issued.

All surveys made before this time and approved by the surveyor-general and returned into the district court, or where proceedings were then pending in court for contesting or reforming the same, were made subject to the provisions of the act; and all acts inconsistent were repealed.

By the act of August 6, 1861 (12 Stats., p. 320), the United States district attorneys in California were authorized to certify records on appeal to the United States Supreme Court in cases where the United States was a party.

By the act of May 5, 1864 (13 Stats., p. 69), settlers upon lands within the exterior boundaries of the Rancho San Ramon, confirmed for two leagues, were authorized to contest the correctness of the location of the land confirmed; and if the United States had title to any of said lands, *bona fide* settlers thereon were to have right to enter and receive patent for one hundred and sixty acres, on payment of one dollar and twenty-five cents per acre.

The act of July 1, 1864 (13 Stats., p. 332), repealed the act of June 14, 1860, and all

inconsistent provisions of law, and provided that surveys of private land claims made under the act of March 3, 1851, should be published by the surveyor-general four weeks, and retained in his office ninety days after first publication; and if no objections were made to the survey within the ninety days, by any party claiming interest, the surveyor-general should transmit it to the Commissioner of the General Land Office for examination and approval; but if objections were made, such objections and proofs produced in support of the same, &c., with copy of the survey, were to be transmitted to the Commissioner by the surveyor-general, with his opinion; and if he approved the survey he should indorse his approval; if he disapproved it, he might require a further report, or proofs to be taken, or might direct a new survey to be made. When survey should be finally approved patent was to be issued thereon.

By section 2 the preceding provisions (section 1) are made to apply to all surveys previously made by the surveyor-general of California which had not been approved by the United States district courts, and were not pending in court for confirmation or correction.

Appeals from decrees of district court lay to the circuit court, and not to the Supreme Court of the United States. When a survey pending in court was ordered back for resurvey, the latter was to be under the supervision of the Commissioner of the General Land Office, and not of the courts.

When the district judge was interested, the district court might order the case transferred to the circuit court, and might also transfer cases affecting title to lands within the corporate limits of any city or town.

Section 5 released right and title of the United States to lands in the city of San Francisco, except certain lands devoted to public use, the release not to affect private rights.

Section 6 made it the duty of the surveyor-general to cause all private land claims finally confirmed, to be surveyed whenever requested by the claimants, on deposit by claimant, in the district court, of a sufficient sum to pay the expenses of survey and publication.

Section 7 made it the duty of the surveyor-general, in making surveys of private land claims, to follow the decree of confirmation as closely as practicable, and of the Commissioner of the General Land Office to require a substantial compliance with this requirement before approving a survey.

By the seventh section of the act of July 23, 1866 (14 Stats., p. 220), persons who, in good faith, had purchased lands of claimants under Mexican grants, which grants had subsequently been rejected, or the lands so purchased excluded on final survey, and had improved and continued in occupation, &c., and where no valid adverse rights existed, were authorized to purchase the same at the minimum price established by law; the right, however, not to extend to lands containing mines of gold, silver, copper, or cinnabar.

Section 8 provided for the survey of the public lands adjoining confirmed private land claims under Spanish or Mexican grants, and the setting off by the surveyor-general of lands in satisfaction of such grants, where a survey was not requested within ten months after the passage of the act, and in case of claims subsequently confirmed, within ten months from the confirmation under the sixth and seventh sections of the act of July 1, 1864.

Section 9 regulated the time for appeals from the United States district court to the circuit court from decrees on surveys of private land claims in California.

The act of June 19, 1878 (20 Stats., p. 172), authorized the claimants of the Mexican grant, Las Cruces, to present their claim to the United States district court for confirmation, if found to be valid, confirmation not to exceed 8,888 acres, and not to affect valid homestead and pre-emption claims nor adverse rights. Claimants to execute releases to parties in possession under valid claims, before confirmation. On rejection of claim, right of appeal was given to Supreme Court. The confirmed claim was to

be surveyed and, on approval of survey by Commissioner of General Land Office, patent was to issue.

The act of January 28, 1879 (20 Stats., p. 593), made similar provisions in favor of the claimants of La Lolla Rancho.

The act of June 15, 1880 (21 Stats., p. 234), contained an appropriation for translating, copying, indexing, preserving, &c., the original Spanish archives in the office of the surveyor-general.

AREA OF CONFIRMED GRANTS IN CALIFORNIA.

Under these various acts the United States has confirmed in California 538 claims having a total acreage of 8,332,431.924 acres, the smallest being for 1.770, and the largest 133,440.780 acres.

Patents have been issued for a number of these claims upon returns of survey made to the land department from time to time.

In the location of these claims and the proper adjustment of boundaries there has been much difficulty, arising from the defective nature of the original Spanish and Mexican grants and the maps upon which they are based, which in most cases must be referred to in locating the confirmed claim, as the decrees of confirmation in but few instances contain an exact description of the tract, referring to the general original grant and map filed for description.

When the different condition of this country at the period of making those grants and the present time is considered, the causes of difficulty, leading to frequent disputes and contests about boundaries, will be readily understood. Under the former governments lands were granted in large tracts of comparatively little value. There was no scientific surveying system adopted in connection with these grants, their area being given by rough estimate. When a boundary was not a water-course, a sierra, range of hills, or a valley was accepted as a sufficiently definite designation of limits where a few hundred acres were not worth contending for; and so long as the property remained in the hands of the grantees or their descendants, under Mexican rule, this system was sufficient for the purpose and was acquiesced in. But on the transfer of sovereignty to the United States, and the emigration of our people from the Atlantic side, a new state of things was inaugurated. These ranchos passed into other hands; they were cut up and divided, and, under the enterprise and industry of the new settlers, became in many instances valuable agricultural farms. Our exact surveying system was introduced, and possessions came to be estimated by *acres* instead of *leagues*. It then became indispensable to those who had purchased portions of these grants to know the precise limits of their claims. To this end every means in the power of the land department have been employed.

The following claims are pending in the General Land Office, from California, July 1, 1880:

List of private land claims in California pending in General Land Office.

	Acres.
Miramontes	4,424.120
Posolmi	1,695.900
Corte de Madera del Presidio	7,863.680
Pueblo lands of San José	65,132.060
City lands of Monterey	32,865.550
Mission La Purisima	16,455.540
San Rafael	36,403.320
Buena Vista	2,288.000
Alisal	2,971.260
Las Virgines	8,885.040
San Jacinto Nuevo y Potrero	48,823.670
Los Vallecitos de San Marcos	8,975.170
Arroyo de la Laguna	4,431.990
Tract of land near San Gabriel	50.410
San Vicente y Santa Monica	58,409.630
Boca de Santa Monica	6,658.900
Punta de Pinos	2,666.510

	Acres.
Cañada de los Nojales	1,199.560
Los Camaritos	20.469
Pueblo of San Francisco	17,754.770
Santiago de Santa Ana	62,516.570
Arroyo del Rodeo	1,473.070
Part of Napa	11,943.140
Tract of land in Mission Dolores	5.860
El Sobrante	20,565.420
Cabeza de Santa Rosa	336.190
San Ramon	4,450.940
Pasa de Bartolo	207.790
Pasa de Bartolo	8,991.220
Rincon de las Salinas	2,220.020
San Pascual	708.570
Total	421,394.339

EXAMPLE OF A SPANISH LAND GRANT IN CALIFORNIA.

The following case is given as an illustration of California grants as presented to the board of land commissioners for adjudication, including the decrees on title:

No. 497.

Claim of heirs of Juan Read to Corte de Madera del Presidio.

[Translation of Espediente.]

Stamp third. Two reales.

Provisionally authorized by the commissariat *ad interim* of the port of Monterey, of Alta California, for the years 1831 and 1832.

Reauthorized for the years 1833 and 1834.

SENOR GOVERNOR AND SUPERIOR POLITICAL CHIEF:

Juan Read, a native of Ireland (of the Roman Catholic religion), and a resident of this Territory for nine years, in the most proper form presents himself before your excellency, and representation makes:

That possessing, by the favor of God, 400 head of neat cattle and 60 horses, and desiring a piece of land where I can, without prejudice to a third party, support and increase them, and live quietly and tranquilly in a property under the protection of this Mexican Republic, I ask of your excellency to be so good as to grant me the place called "Sausalito."

June 27, 1834. JUAN READ.

MONTEREY, *July* 8, 1834.

In conformity with the laws in the matter, the military commandant of San Francisco will report if the party interested in this proceeding has the necessary requisites to be attended to in his petition; if the land which is asked for is comprehended in the 20 border leagues, or in the ten litteral, mentioned in the law of August 18th, 1824; if it is irrigable, dependent on the seasons, or pasture land; if it belongs to the property of any private person, corporation, mission, or pueblo; if the petitioner has a letter of naturalization in the United Mexican States; if there has been any other land granted to him before, and whatever else it is believed will illustrate the matter. This done, the espediente will be passed to the Rev. Father minister of the mission of San Rafael, that he may report what occurs to him.

The Senor Don José Figueroa, general of brigade, commandant general inspector, and superior political chief of Upper California, thus ordered, decreed, and signed, of which I certify.

JOSÉ FIGUEROA,
Senor Superior Political Chief.

AGUSTIN V. ZAMORANO,
Secretary.

The land which Don Juan Read, a resident of this jurisdiction, asks for, is included in the 10 litteral leagues mentioned in the law of colonization of August 18th, 1824, and not in the 20 border leagues spoken of in the same law. The lands are irrigable and partly pasture lands in the cañadas formed by the mountains which compose the same; it belongs to no private person, corporation, or pueblo; the petitioner has no letter of naturalization, although he has proved that he has asked one six years ago in the city, and afterwards in this territory, the which, on account of the vicissitudes or changes of the revolutions, he has not been able to procure. He has also proved that he has served some years under the Mexican flag as 1st mate of a vessel, and that he has been settled with his property on this frontier for three years. In the

year 1831 there was given him as a loan a piece of land which he afterwards abandoned. He has the requisites to entitle him to be attended to.

San Francisco, August 1, 1834. NEARIANO G. VALLEJO.

SENOR SUPERIOR POLITICAL CHIEF:

The land asked for by Don Juan Read is not among those most important to the mission, although it formerly occupied it with cattle; but in this your excellency will do what you think proper.

San Rafael, August 12, 1834. Friar JOSÉ LORENZO QUIJA.

MONTEREY, *September* 23, 1834.

Join this to the foregoing.

FIGUEROA.

Sketch or plan of the grant of "El Corte de Madera del Presidio."

SEÑOR GENERAL OF THE TERRITORY OF UPPER CALIFORNIA:

Juan Read, of the Irish nation, before your excellency with due respect presents himself and says: "That not having been able to obtain the place called 'El Sausalito,'

he prays you to be so good as to grant him the place of 'El Corte de Madera del Presidio,' to the Punta del Taburon," as shown by the sketch or plan which your excellency has in your possession. Wherefore I pray your excellency to be so good as to grant my petition, by which I shall receive favor and grace.

JUAN READ.

PUEBLO DE SAN RAFAEL, *September* 4, 1834.

MONTEREY, *September* 23, 1834.

Pass this to the alcalde of this capital, before whom the party of Don Juan Read will produce an examination of suitable witnesses, who will be interrogated on the following points:

1. If the petitioner is a Mexican by birth; if he is married and has children, and if he is of good conduct.

2. If the land asked for belongs to the property of any individual, mission, corporation, or pueblo; if it is irrigable, dependent on the seasons, or pasture land, and the extent it has.

3. If he has stock to put on it, or the possibility of acquiring any. Having finished these proceedings, return this expediente for its decision.

Señor Don José Figueroa, general of brigade, commandant general inspector, and superior political chief of the Territory of Upper California, thus ordered, decreed, and signed, of which I certify.

JOSÉ FIGUEROA.

AGUSTIN V. ZAMORANO, *Secretary*.

MONTEREY, *September* 24, 1834.

Let testimony of three fit witnesses be taken as directed in the foregoing superior decree of the senor superior political chief. Thus I, the constitutional alcalde, ordered, decreed, and signed, with those of my assistance in the established form.

I certify.

MANUEL JIMENO CASARIN.
(Of assistance:)
JOSÉ AGUILA.

(Of assistance:)
JOSÉ JOAQUIN GOMEZ.

On this date present Don Juan Read was notified of the foregoing order, and, having understood it, said he heard it and signed with me and the witnesses of my assistance.

JUAN READ.
(Of assistance:)
JOSÉ AGUILA.

CASARIN.
(Of assistance:)
JOSÉ JOAQUIN GOMEZ.

On the same date present Don David Spence took the oath in due form, by which he promised to tell the truth on what he knew, and was asked; and being asked his name, occupation, country, religion, said: his name was as aforesaid; that he was married, 35 years old, a merchant, a native of Scotland, and a Roman Apostolic Catholic.

Being interrogated on the three points mentioned in the superior decree of the señor political chief of the 23d inst., he said that he knew Don Juan Read; that he was a native of Ireland, but was naturalized in the Republic of Mexico; that he was not married, and was of good conduct; that he also knows the land asked for; that it belongs to the property of no individual, mission, corporation, or pueblo; that said land is not irrigable, but pasture lands, and dependent on the seasons; that the extent is about a league in length and about half a league in width; that, lastly, the said Don Juan Read has stock with which to stock it; that what he has said is the truth under the oath he has taken, and, having read it, ratifies it as his declaration, and signs with me and the assisting witnesses.

DAVID SPENCE.
(Of assistance:)
JOSÉ AGUILA.

CASARIN.
(Of assistance:)
JOSÉ JOAQUIN GOMEZ.

On the same day present Don Juan Malarin. He was sworn in due form to tell the truth in what he knew and was asked; and being asked his name, condition, age,

occupation, country, and religion, said his name was as above; that he was married; 43 years of age; a merchant; and a native of Lima; and a Roman Apostolic Catholic.

Being interrogated on the three points mentioned in the superior decree of the señor political chief of the 23d inst., he said that he has known Don Juan Read for seven years; that he is a native of Ireland, but is naturalized in the Mexican Republic; that he is not married; and knows him to be of good conduct; that he also knows the land asked for, and it belongs to the property of no individual mission, pueblo, or any corporation; that it is dependent on the seasons and pasture land, and not irrigable; and that in length it is about a league, and in width about half a league; that, lastly, Don Juan Read has stock with which to stock it; that what he has said is true, under the oath he has taken; and having read, he ratifies this as his declaration, and signs with me and those of my assistance.

JUAN MALARIN.
(Of assistance:)
JOSÉ AGUILA.

CASARIN.
(Of assistance:)
JOSÉ JOAQUIN GOMEZ.

On the same day present Don Guillermo Hartnell; he was duly sworn to tell the truth in what he knew and was asked; and being asked his name, condition, age, country, and religion, said his name was as above; that he was married; 36 years of age; a native of England; and a Roman Apostolic Catholic.

Being interrogated on the three points mentioned in the superior decree of the señor political chief of the 23d inst., he said that he knows Don Juan Read; he is a native of Ireland, and naturalized in the Mexican Republic; is not married, and is of good conduct; that he also knows the land asked for; it is within his knowledge that it belongs to the property of no individual, mission, pueblo, or corporation; that said land is not irrigable, but is dependent on the seasons, and pasture land; that it is some more than a league long, and about a half a league wide; and, lastly, that the said Don Juan Read has stock with which to stock it; that what he has said is the truth under the oath he has taken, and being read ratifies as his declaration, and signs with me and the witnesses of my assistance.

GUILLERMO EDWARD HARTNELL.
(Of assistance:)
JOSÉ AGUILA.

CASARIN.
(Of assistance:)
JOSÉ JOAQUIN GOMEZ.

MONTEREY, *October* 2, 1834.

Having seen the petition with which is espediente begins the report of the only military authority of the jurisdiction of San Francisco, that of the father minister of the mission of San Rafael, the last exposition of the petitioner, the testimony of witnesses, with all else presented and proper to be seen in conformity with what is directed in the laws and regulations on the matter, Don Juan Read, naturalized in the United Mexican States, is declared owner in fee of the land known by the name of "Corte de Madera del Presidio" to the point of Taburon, bounded by the mission of San Rafael and the port of San Francisco, subject to the conditions stipulated. Let the corresponding dispatch issue, record it in the proper book, and direct this espediente for the due approbation to the most excellent deputation territorial, in which case the party interested, who will be notified of this decree, will present his title anew to have it revalidated. The Señor Don José Figueroa, general of brigade, commandant general inspector, and superior political chief of the Territory of Upper California, thus ordered, decreed, and signed, of which I certify.

JOSÉ FIGUEROA.

AGUSTIN V. ZAMARANO,
Secretary.

(Here follows copy of former title to the same as translated in document on page 386, marked B.)

AUGUST 27*th*, 1835.

In session of this day the most excellent deputation passed this to the committee on vacant lands.

FIGUEROA.

JOSÉ MARIA MALDONADO,
Secretary.

MOST EXCELLENT SEÑOR: The committee on vacant lands, charged with the espediente, which was ordered formed on the petition of Citizen Juan Read for the place called Sausalito, not finding any objection, and being in every respect conformable to the law of August 18, 1824, and art. 5 of the regulation of November 21, 1828, offer to the deliberation of your excellent body the following proposition:

Approved the grant made to Citizen Juan Read of the place called Sausalito on the 2d of October, 1834.

Monterey, August 28, 1835.

JOSÉ CASTRO.

AUGUST 29, 1835.

In session of this day, the most excellent deputation approved the foregoing report, and directed the espediente to be passed to the superior political chief for his conclusion.

JOSÉ CASTRO.

JOSÉ MARIA MALDONADO, *Secretary.*

B.

Translation of title and of juridical possession. Stamp first—seal—six dollars. For the years one thousand eight hundred thirty-two and one thousand eight hundred and thirty-three.

CIVIL GOV'T OF UPPER CALIF'A.

José Figueroa, general of brigade of the Mexican Republic, commanding general, inspector and superior political chief of Upper California.

Whereas Don Juan Read, naturalized in the United States of Mexico, has for his own personal benefit, and that of his family, asked for the land known by the name of "Corte de Madera del Presidio," as far as "la Punta del Taburon," bounded by the mission of San Rafael and the port of San Francisco, the proper measures and examinations being previously made, as required by laws and regulations, using the powers which are conferred on me, in the name of the Mexican nation, I have by decree of this day granted to the aforesaid Don Juan Read the above-mentioned land, declaring to him the ownership of it by these presents; said grant being understood to be in entire conformity with the laws, subject to the approval or disapproval of the most excellent territorial deputation, and of the supreme government, and under the following conditions:

1. That he will submit to these (conditions) which may be established by the regulation which is to be formed for the distribution of vacant lands, and that in the mean time neither the grantee nor his heirs can divide or alienate that which is granted to them, subject it to any tax, entail, pledge, mortgage, or other incumbrance, even for pious purposes, nor convey it in mortmain.

2. He may inclose it without prejudice to the crossings, roads, and servitudes; he will enjoy it freely and exclusively, applying it to the use and cultivation which may best suit him, but within one year, at farthest, he will build a house, and it will be inhabited.

3. When the ownership is confirmed to him he will request the proper magistrate to give him juridical possession in virtue of this patent, by whom the boundaries will be marked out, in the limits of which he will place some fruit or forest trees of a useful character.

4. The land of which donation is made is one square league, a little more or less, as shown by the map which goes with the *expediente*. The magistrate who may give the possession will cause it to be measured in conformity with the ordinance, in order to mark out the boundaries, leaving the surplus which may result to the nation for its convenient uses.

5. If he contravene these conditions he will lose his right to the land, and it will be denounceable by another person.

In consequence, I order that this present serving him for a title, and being held as firm and valid, note be made of it in the corresponding book, and it be delivered to the person interested, for his security and other purposes.

Given at Monterey on the second of October, eighteen hundred and thirty-four.

(Signed) JOSÉ FIGUEROA.
(Signed) AGUSTIN V. ZAMORANO, *Secretary.*

Note has been made of the title (in the book of entries) of grants of lands on folio 54, number 52, which exists in the secretaria in my charge. In Monterey, on the 2d of October, 1834.

(Signed) ZAMORANO.

Stamp third. Two reales.

Provisionally authorized by the maritime custom-house of the port of Monterey for the years 1833 and 1834. (Signed) Figueroa. (Signed) José Rafael Gonzales.

To the Constitutional Alcalde:

Juan Read, naturalized in the United States of Mexico, and resident of the port of San Francisco, owner of the rancho of Corte de Madera, as I may best proceed in law, appear and say: That as appears by the title which I present with the necessary solemnity and oath, I have in my said rancho one square league, within the boundaries expressed in said title; and as it is necessary for me that it should in all time appear how far they reach, and if any of the neighbors prejudice me or I any of them, you will be pleased to order that, after usual official acts of identity, view, and examination, and summoning the colindantes (the possession of my said lands be proceeded to), for which purpose I appoint now, and for when the time may arrive, as measurer, José Antonio Galindo, resident of this port, skillful in these matters, and let the others who may be interested appoint one on their part, and this being done, let those whom they may appoint, and the said Galindo by me appointed, appear, accept, swear, and in conformity proceed to said measurements.

Wherefore I pray you that, admitting this document, you will have the goodness to order as I have asked, and, being finished, to return me said title, with the original official acts, which may be made, for the security of my right, this petition, and whatever else may be necessary.

(Signed) JUAN READ.

In the port of San Francisco on the twenty-fifth of November, 1835, before me the citizen constitutional alcalde, this petition was read, and having been seen it was admitted, with the document it refers to, and I order that the neighbors being summoned, information be taken of identity, view, and examination of said lands, at which I, said alcalde, am ready to assist personally. I thus provided, ordered, and signed with those of my assistance.

(Sg'd) FRANCISCO DE HARO.

Assisting witnesses:
(Sg'd) EUSEBIO GALINDO.
(") FRANCISCO SANCHEZ.

In the aforesaid port of San Francisco, on the twenty-sixth day of the month of November, 1835, I, the aforesaid constitutional alcalde, with those of my assistance, in order to proceed to the information of identity, caused to appear before me citizen José de la Cruz Sanchez, resident of said port of San Francisco, by occupation a laborer, and married, of whom I received oath, which he made by God and the sign of the holy cross in form, under which he promised to speak the truth; and being asked for the knowledge he has of the lands, places, terminations, and boundaries pertaining to the rancho of Corte de Madera, he said: That for thirty-six years he has been a resident of this jurisdiction, and knows that the lands belonging to said rancho are of citizen Juan Read, and that it has for boundaries, on the side of the port of San Francisco, to the south the bay formed by the Punta de Taburon and the Punta de Caballos, which, running inland from east to west, ends in a short creek, and a cañada, which follows the same direction as far as a forest of redwood trees, which is called "El Corte de Madera del Presidio," on the part of the town of San Rafael; on the north, the arroyo called "Holon" and the forest of redwood trees called also "Corte de Madera de San Pablo;" on the east by said Point Taburon, which is in front of the island called Los Angeles, all which he has seen and examined various times, and that since the said Don Juan Read has possessed them he has worked and cultivated them, and his cattle have pastured on them; and, for the proof of the knowledge and that which he has said, he is ready to go to said lands with the present alcalde, and point out to him the places, lands, and boundaries—how far they reach, and that what he has said is true by the oath which he has made, which he affirmed and ratified. He declared that he was thirty-six years old, and that the legal exceptions do not affect him; and he signed it with me.

JOSÉ DE LA CRUZ SANCHEZ.
FRANCISCO DE HARO.

Assisting witnesses:
EUSEBIO GALINDO.
FRANCISCO SANCHEZ.

On said day, month, and year, I, the aforesaid alcalde, caused to appear before me, and those of my assistance, citizen Tomas Jeremias, by occupation a laborer, and

married, of whom I received oath, which he made by God and the sign of the holy cross in form, under which he promised to speak the truth, and being asked for his knowledge of the lands and places, limits and boundaries pertaining to the rancho of "Corte de Madera" he said: That for fifteen years he had resided in this jurisdiction, and knows that the lands pertaining to said rancho are of citizen Juan Read, and they have for boundaries on the part towards the port of San Francisco, on the south the bay formed by Point Caballos and Point Taburon on the east, which running inland to the west ends in a small estero, and a cañada which follows the same direction to a thicket of redwood trees called "Corte de Madera del Presidio," which lies at the foot of the high peak of the same name; on the north and towards the pueblo of San Rafael, the boundary with the latter is an arroyo called "Olon," and a forest of redwood trees called also "Corte de Madera de San Pablo"; and on the east the aforesaid Point Taburon, all which he has seen and recognized many times, and that since the aforesaid citizen Juan Read has possessed them, he has worked and cultivated them, and pastured his cattle on them; and in proof of the description which he has given, he is ready to go with the present alcalde and point out to him the limits, places, and bounds, how far they extend; and that what he has said is true under the oath which he has made, which he affirmed and ratified. He declared that he was thirty-one years old, and that the legal exceptions do not affect him, and he signed it.

(Signed) TOMAS JEREMIAS JONES.

Assisting witnesses:
(Sgd) EUSEBIO GALINDO.
(") FRANCISCO SANCHEZ.

In continuation, I, the aforesaid alcalde, caused to appear before me, also, and those of my assistance, citizen Manuel Sanchez, by occupation a laborer, of whom I received oath which he made by God, and the sign of the holy cross, in form, under which he promised to speak the truth, and being asked for his knowledge of the lands, limits, and boundaries pertaining to the rancho of "Corte de Madera" he said that for twenty-eight years he has been a resident of this jurisdiction and knows that the lands of the aforesaid rancho are of citizen Juan Read, and they have for boundaries on the part towards the port of San Francisco, on the south the bay formed by Points Caballos and Taburon on the east, which running inland to the west terminates in an estero, and a cañada which follows the same direction as far as a forest of redwood trees, called "Corte de Madera del Presidio," which lies at the foot of the high peak of that name; on the north towards the pueblo of San Rafael, the boundary is an arroyo called "Holon" and a forest of redwood trees, which is also called "Corte de Madera de San Pablo"; and on the east they terminate in said Point Taburon; all which he has seen and examined many times; and that since the aforesaid Don Juan Read has possessed them, he has worked and cultivated them and pastured his cattle on them; and in proof of the description which he has given, he is ready to go to said lands with the present alcalde, and point out to him the places, limits and bounds where they reach to, and that what he has said is true by the oath which he has made, which he affirmed and ratified. He declared that he was twenty-eight years old, and the legal exceptions do not affect him, and he signed it.

(Sgd) MANUEL SANCHEZ.
(") FRANCISCO DE HARO.

Assisting witnesses:
(Sgd) EUSEBIO GALINDO.
(") FRANCISCO SANCHEZ.

Being in the fields in the place named "Corte de Madera del Presidio de San Francisco" on the twenty-seventh day of the month of November, one thousand eight hundred and thirty-five, I, the constitutional alcalde, acting in virtue of my office, with two assisting witnesses, for want of a public notary, the witnesses by me examined, present Citizen Juan Read, owner of said lands, and Citizen Fernando Feliz, on the part of the pueblo of San Rafael, as mayor domo of said pueblo and community, the only colindante on the north, I proceeded to see and examine the lands of said rancho, and for greater clearness mounting on horseback, in company with both the parties and witnesses referred to, I ordered the latter to point out to me the places, limits, and boundaries of them according to the signs which they have declared in their depositions; and in conformity they led the way to the west to a cañada where they showed me a forest of tall trees, which they call redwoods, in the cañada itself, and some little valleys which form the base of the high peak called "Palmos," which forest is called "Corte de Madera del Presidio"; a little brook with a willow thicket, and the remains of a rancheria called "Animas"; thence continuing the examination and view of said lands they led me north to another arroyo and forest of redwood trees called also "Corte de Madera de San Pablo"; and they said it was the boundary with

the pueblo of San Rafael; and thence continuing the examination south as far as Point Taburop, which they said was the limit in that direction, we continued to the west to the point of an estero which empties into the bight formed by said Point Taburon and Point Caballos on the south, and which ends at the entrance of said cañada, where is situated the home of the owner of said lands, Don Juan Read, the arroyo, willow thicket, and forest of redwood trees named "Corte de Madera del Presidio" aforesaid, which they said was the last boundary of the said lands pertaining to the rancho referred to of "Corte de Madera" of Señor Read; which places, I, the constitutional alcalde, saw and examined, with those of my assistance and said witnesses, and the papers presented having been compared with said examination, the identification of the aforesaid lands proved to be certain according to the declarations of the witnesses, and in testimony I make official record of it and sign it with those of my assistance and others who knew how, to which I certify.

(S'g'd) HARO.
" FERNANDO FELIZ.
" JOSÉ DE LA C. SANCHEZ.
" TOMAS JEREMIAS JONES.
" MANUEL SANCHEZ.

Assisting witnesses:
(Signed) EUSEBIO GALINDO.
" FRANCISCO SANCHEZ.

Immediately I, the constitutional alcalde, said that in order to proceed to the measurements contained in these acts, I order that Citizen Juan Read be notified to ratify the appointment of measurer, as, also, that the colindantes by common consent appoint on their part another, in view of the scarcity of men (being too great) for each one to appoint his own; both of those appointed being skilled in matters of measurements; and that those who may be appointed, appear, accept, and take oath, and this being done I am ready to designate a day for said measurements. I thus provided, ordered, and signed with those of my assistance.

Assisting witnesses:
(Sg'd) HARO.
(Sg'd) EUSEBIO GALINDO.
" FRANCISCO SANCHEZ.

On the same day, month and year, I, the constitutional alcalde, read and made known the act referring to them as herein contained, to Citizen Juan Read, and the colindantes, in their persons which I know, and having heard and understood it, they said that they heard it and the first, that he ratified his appointment of Citizen José Antonio Galindo, and the second appointed the Indian Neri, both skillful and fully competent, whom I notified to appear, accept, and swear, and this being done proceed to said measurements, as is ordered; this they replied, and those who knew how signed.

I certify.

(Sg'd) HARO.
" FERNANDO FELIZ.
" MANUEL SANCHEZ.
" TOMAS JEREMIAS JONES.
" JOSÉ DE LA C. SANCHEZ.

Assisting witnesses:
EUSEBIO GALINDO.
FRANCISCO SANCHEZ.

In the rancho named "Corte de Madera (del Presidio de San Francisco)" on the twenty-fifth day of November, one thousand eight hundred and thirty-five, I, the constitutional alcalde acting in virtue of my office with two assisting witnesses for want of a notary public, read and made known the act referring to them, and their appointment of measurers to Citizens José Antonio Galindo and the Indian Neri, the former resident of the port of San Francisco, and the second of the pueblo of San Rafael, in their persons, which I know; and having heard and understood it they said that they accept said charge of measurers and they made oath by God our Lord and the sign of the cross, in form, that they would use said office well and faithfully to the best of their knowledge and understanding; and that they will make said measurements faithfully and legally, as is their obligation without deceit or fraud against any of the parties; they thus replied, and did not sign, not knowing how.

FRANCISCO DE HARO.

Assisting witnesses:
EUSEBIO GALINDO,
FRANCISCO SANCHEZ.

In continuation, having seen the acceptance and oath made by Citizen José Antonio Galindo and the Indian Neri, appointed measurers for said measurements, I said that in order to proceed to them I was designating and I did designate the twenty-eight day of the present month at eight o'clock in the morning; and let the party and the measurers be informed of it, the colindantes and neighbors being summoned. I thus provided, ordered and signed with those of my assistance.

HARO.

Asstg. witnesses:
EUSEBIO GALINDO,
FRANCISCO SANCHEZ.

Immediately the foregoing act was made known to the party interested, Don Juan Read, to the measurers, Jose Antonio Galindo and the Indian Neri, and having heard it they acknowledged notice, and (except the latter) the first signed it with the present alcalde, and those of assistance.

HARO.

Asstg. witnesses:
EUSEBIO GALINDO,
FRANCISCO SANCHEZ.

On the same day, month, and year written summons were issued to Citizen Fernando Feliz, mayordomo of the pueblo of San Rafael, to appear, on the part of the pueblo as only colindante the next twenty-eighth day, in the aforesaid rancho of "Corte de Madera del Presidio," at eight o'clock in the morning; and in testimony I signed it with those of my assistance.

HARO.

Asstg. witnesses:
EUSEBIO GALINDO,
FRANCISCO SANCHEZ.

In the rancho of "Corte de Madera," on the twenty-eighth day of the month of November, one thousand eight hundred and thirty-five, present Citizen Juan Read, and the neighbors to said lands, I caused to appear before me and those of my assistance, Citizens José Antonio Galindo and the Indian Neri, appointed measurers, whom I ordered to take a rope and measure off fifty varas with a vara measure of four Castilian palms, and in effect the aforesaid measurers, in my presence, measured on a rope, twisted and well stretched, with a sealed Mexican vara measure, in due form, as many as fifty varas, which measurement was made faithfully and legally in the sight, knowledge and presence of the person interested and the neighbors; wherefore I ordered that it be officially recorded, and that said measurements be proceeded to as is ordered; and in testimony I certify and sign it with those of my assistance.

HARO.

Asstg. witnesses:
EUSEBIO GALINDO,
FRANCISCO SANCHEZ.

Being in the field and lands pertaining to the rancho of "Corte de Madera," of Don Juan Read, Saturday, the twenty-eighth of November, eighteen hundred and thirty-five, I, the constitutional alcalde of the port of San Francisco, *de assis*, acting in virtue of my office, with two assisting witnesses, for want of a notary public—present, Citizens José Antonio Galindo and the Indian Neri, appointed measurers by the party interested, and colindantes—I ordered them to proceed to the measurement of one square league of land, which, a little more or less, pertains to the rancho of "Corte de Madera," according to the title and map presented; in obedience to which, having again measured and examined the rope, they commenced said measurements from the solar, which faces west, and standing at the slope and foot of the hills which lie in that direction, and on the edge of the forest of redwoods, called "Corte de Madera del Presidio," they commenced said measurements, and going from S. to N. they measured to an arroyo called "Holon," where, is another forest of redwood, called "Corte de Madera de San Pablo," ninety cordels of fifty varas, and the person interested fixing there a known point as a mark, said that he would place a bound; from this point, taking a direction from north to south, the measurement was continued to Point Taburon; and they measured two hundred cordels, and said point serving as a mark and limit, he promised to place there the corresponding bound; thence continuing the measurement from east to west to the mouth of the cañada, and the point of the "sausal," which is near the estero, lying east of the house of the person interested, which is at present on the rancho, there were measured ninety-four cordels; and from this last point continuing the measurement from east to west, along the last line, to the place of beginning; they finished by measuring sixteen cordels, so that the

square league of land which the rancho of "Corte de Madera" contains forms a square of twenty thousand Castilian varas, which, being regulated by said measures, they declared Citizen Juan Read to be informed of the lands which belonged to his rancho, according to the title and map at the head of this *expediente*, so that no third party is injured.

Wherefore said Citizen Don Juan Read pulled up various herbs and stones and threw them to the four winds, in sign of his legal and legitimate possession. And at this period the constitutional alcalde ordered said Read, for the permanence and clearness of the boundaries which have been mentioned, to make, at his own cost and expense, bounds of masonry more than a vara high, that it may in all time appear, they be observed and kept as limits and boundaries of his lands by the others, neighbors thereto. And he prayed for a testimony that said measurements were made quietly and peaceably, without contradiction by any person, and I, the constitutional alcalde of the port of San Francisco, acting in virtue of my office, with two assisting witnesses for want of a notary public, give it that everything was done as has been said, and that the aforesaid measurements were executed to the best of the knowledge and understanding of the measurers, as they deposed, without deceit or fraud against any person; and for greater security and the ratification of the oath which they have made, they did not sign, not knowing how, and the others who knew how, and were present, did so before me and those of my assistants.

(Signed) FRANCISCO DE HARO.
" MANUEL SANCHEZ.
" JOSÉ DE LA C. SANCHEZ.
" FERÑANDO FELIZ.
" TOMAS JEREMIAS JONES.

Assisting witnesses:
(Sd.) EUSEBIO GALINDO.
" FRANCISCO SANCHEZ.

To the honorable commissioners to settle private land claims in California:

The petitioners, Hilaria Sanchez de Read, widow, and Juan Read, Hilaria Read, Ynez Read, and Ricardo Read, children of Juan Read, deceased, respectfully show:

That on the 2d day of October, 1834, José Figueroa, governor of California, by virtue of authority in him vested, granted to the aforesaid Juan Read the tract of land called "Corte de Madera del Presidio," situate in the present county of Marin, containing one square league of land, a little more or less, as described in the original grant and map, which grant was duly proved.

That on the 28th day of November, A. D. 1835, the said tract of land was duly measured, and the juridicial possession of it given to the grantee in due form of law.

In proof of which they submit herewith the original grant, map, and record of juridical survey and possession, marked "A," with a translation, marked "B;" and they further represent that the original grantee and the petitioners, his widow and heirs, have been for more than seventeen years, and the petitioners now are, in the quiet, peaceful, and undisputed possession of said tract of land.

That the said Juan Read died on the 29th day of June, A. D. 1849, leaving the petitioners, his widow and only children.

That they know of no conflicting claim.

That they rely for confirmation of title upon the original papers submitted herewith, upon the records and notes in the archives of the former government, now in the charge of the surveyor-general, and upon such other and further proofs as they may be advised are necessary.

Wherefore they pray the commissioners to confirm to them the aforesaid tract of land.

By their attorneys,

HALLECK, PEACHY & BILLINGS.

Filed in office December 23, 1852.

GEO. FISHER, *Sec'y.*

Amended petition.

Honorable board of U. S. land commissioners to ascertain and settle private lands in California.

By leave of the court, granted on this 13th June, 1854, by an order made on the motion of A. C. Peachy, claimants' counsel, for the reasons set forth in said motion and order, the following amended petition is filed in this case:

The petitioners, Hilaria Sanchez de Read, widow of Juan Read, deceased, and mother of Richard Read, deceased, who was an infant, heir of the said Juan and John Read, Hilaria Read, and Ynez Read, children of the said Juan, respectfully show:

That on the 2d day of October, 1834, José Figueroa, governor of California, by virtue

of authority in him vested, granted to the aforesaid Juan Read the tract of land called Corte de Madera del Presidio, situated in the present county of Marin, containing one square league of land, a little more or less, as described in the original grant and map, which grant was duly approved.

That on the 28th day of November, A. D. 1835, the said tract of land was duly measured, and the juridical possession of it given to the grantee in due form of law, for proof of which they submit herewith the original grant, map, and record of juridical survey and possession, marked A, with a translation, marked B.

And they further represent that the original grantee, and the petitioners, his widow and heirs, have been for more than seventeen years, and the petitioners now are, in the quiet, peaceful, and undisturbed possession of the said tract of land.

That the said Juan Read died on the 29th day of June, A. D. 1849, leaving the petitioners, his widow and children, and a child named Richard Read, who is hereinafter mentioned, his only heirs.

That on or about the first of October, 1853, the said Richard Reed, aged about thirteen years, died, leaving the petitioners his only heirs.

That the petitioners knew of no conflicting claim. That they rely for confirmation of title upon the original papers submitted herewith, upon the records and notes in the archives of the former government, now in charge of the surveyor gen'l, and upon such other and further proofs as they may be advised are necessary. Wherefore they pray the commissioners to confirm to them the aforesaid tract of land.

HALLECK, PEACHY & BILLINGS,
Atty's for Claimants.

JUNE 13, 1854.
Filed in office June 13, 1854.

GEO. FISHER, *Sec'y.*

HEIRS OF JUAN READ
vs.
THE UNITED STATES.

For the place called Corte de Madera del Presidio, in Marin County, containing one square league of land.

The traced copy of the *espediente* which is filed in this case shows that Juan Read petitioned the governor in 1834 for a grant of the place called Sausalito; that, not being able to obtain the land solicited, he filed another petition, dated September 4, 1834, for the land claimed in this case, and after proceedings to obtain information on the subject, the governor issued to him a grant, which is given in evidence, and bears date October 2, 1834. In August following the Territorial deputation approved the grant, and juridical possession was given under it, as appears by the documentary proof thereof filed in the case on the 28th day of November, 1835. It appears from the testimony in the case that said Juan Read had a house on the place as early as 1833, in which he lived with his family; that he continued to reside there until his death, and after his decease his family remained in possession, and the representatives of his heirs still occupy the place. There is also proof of cultivation and improvements on the premises.

By the testimony of Francisco Sanchez and J. J. Papy, the death of said Juan Read and the right of the present claimants, as his widow and children, and his only heirs, are proved. They are entitled to a decree of confirmation.

Confirmed.

Filed in office June 13, 1854.

GEO. FISHER, *Sec'y.*

HEIRS OF JUAN READ
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the said claim of the petitioners is valid, and it is therefore hereby decreed that the same be confirmed.

The land of which confirmation is hereby made is the same on which said Juan Read resided in his life-time; is known by the name of Corte de Madera del Presidio; is situated in Marin County, and bounded as follows, to wit: Commencing from the solar which faces west at a point at the slope and foot of the hills which lie in that direction, and on the edge of the forest of red-woods called Corte de Madera del Presidio, and running from thence in a northwardly direction four thousand five hundred varas to an arroyo called Holon, where is another forest of red-woods called Corte de Madera de San Pablo; thence by the waters of said arroyo and the bay of San Francisco, ten thousand varas to the Point Taburon, said point serving as a mark and limit; thence running along the borders of said bay and continuing in a westerly direction along the shore of the bay formed by Point Caballos and Point Taburon,

four thousand seven hundred varas to the mouth of the cañada and the point of the "Sausal" which is near the estero lying east of the house on said premises, which was occupied by said Juan Read in November, 1835, and thence continuing the measurement from east to west along the last line eight hundred varas to the place of beginning; containing one square league of land, be the same more or less; being the same land described in the testimonial of juridical possession on file in this case, as having been measured to said Juan Read under a grant of the same to him; to which testimonial and the map therein referred to, and constituting a part of the *espediente*, a traced copy of which is filed in the case, reference is to be had.

ALPHEUS FELCH,
R. AUG. THOMPSON,
Commissioners.

Filed in office June 13, 1854.

GEO. FISHER, *Sec'y.*

In the United States district court for the northern district of California. Stated term, January 14, 1856.

THE UNITED STATES, APPELLANTS, *vs.* HEIRS OF JOHN READ, APPELLEES. } "Corte de Madera del Presidio." Transcript from board of coms., No. 497.

On appeal from the final decision of the board of commissioners to ascertain and settle private land claims in the State of California.

Decree.

This cause came on to be heard at a stated term of the court, on appeal from the final decision of the board of commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress approved on the 3d day of March, A. D. 1851, upon the transcript of the proceedings and decision of the board of commissioners, and the papers and evidence on which the said decision was founded; and it appearing to the court that the said transcript has been duly filed, according to law, and counsel for the respective parties having been heard, it is, by the court, hereby ordered, adjudged, and decreed that the said decision be, and the same is hereby, in all things affirmed; and it is likewise further ordered, adjudged, and decreed, that the claim of the appellees is a good and valid claim, and that the said claim be, and the same is hereby, confirmed to the extent and quantity of one square league, being the same land described in the grant and of which the possession was proved to have been long enjoyed: Provided that the said quantity of one square league, now confirmed to the claimants, be contained within the boundaries called for in the said grant, and the map to which the grant refers; and if there be less than that quantity within the said boundaries, then we confirm to the claimants that less quantity.

OGDEN HOFFMAN, JR.,
U. S. Dist. Judge.

Endorsed: Filed January 14, 1856.

W. H. CHEVERS,
Deputy Clerk.

At a stated term of the district court of the United States of America for the district of California, held at the court-room, in the city of San Francisco, on Thursday, the second day of April, in the year of our Lord one thousand eight hundred and fifty-seven.

Present: The Honorable Ogden Hoffman, district judge.

THE UNITED STATES *vs.* HEIRS JUAN READ. } D. C., 183, L. C. 497.

The Attorney-General of the United States having given notice that appeal will not be prosecuted in this case, and a stipulation to that effect having been entered into by the U. S. Attorney:

On motion by the district attorney it is—

Ordered, adjudged, and decreed that the claimants have leave to proceed under the decree of this court heretofore rendered in their favor as under final decree.

OGDEN HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed April 2, 1857.

JOHN A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

I, George E. Whitney, clerk of the circuit court of the United States for the district of California, and *ex officio* clerk of the district court of the United States in and for said district, hereby certify that the foregoing is a full and true copy of the decree and order vacating appeal in the above-entitled action, filed in my office.

Attest my hand and the seal of said district court this 25th of Nov., A. D. 1867.

[SEAL.] GEO. E. WHITNEY, *Clerk.*
By A. D. SMITH, *Deputy Clerk.*

PRIVATE LAND GRANTS IN NEW MEXICO.

By the eighth section of the act of July 22, 1854 (10 Stats., p. 309), it was made the duty of the surveyor-general, under instructions to be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to land under the laws, usages, and customs of Spain and Mexico. He was authorized to issue notices, summon witnesses, administer oaths, &c., and required to make full reports to the Secretary of the Interior, to be laid before Congress for final action, "with a view to confirm *bona fide* grants," on all claims originating before the cession by the treaty of Guadalupe Hidalgo, denoting the various grades of title, with his decision as to their validity or invalidity; also to report as to all pueblos, the extent, locality, number of inhabitants and nature of title of each; and until final action by Congress on such claims, all lands covered thereby to be reserved from sale or other disposal by the Government, and not subject to donation clause in said act.

METHOD OF RECEIVING APPLICATIONS FOR AND SURVEYING AND DETERMINING PRIVATE LAND CLAIMS IN NEW MEXICO, ARIZONA, AND COLORADO—DUTIES OF SURVEYORS-GENERAL.

The following instructions to the surveyor-general of New Mexico were issued for his guidance under said law:

GENERAL LAND OFFICE,
August 21, 1854.

SIR: The eighth section of the act approved 22d July last, for the establishment of the office of surveyor-general in New Mexico, declares as follows:

"SEC. 8. *And be it further enacted*, That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; and for this purpose may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises.

"He shall make a full report on all such claims as originated before the cession of the Territory to the United States by the treaty of Guadalupe Hidalgo, of eighteen hundred and forty-eight, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants, and give full effect to the treaty of eighteen hundred and forty-eight between the United States and Mexico; and until the final action of Congress on such claims, all lands shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act."

The duty which this enactment devolves upon the surveyor-general is highly important and responsible. He has it in charge to prepare a faithful report of all the land titles in New Mexico which had their origin before the United States succeeded to the sovereignty of the country, and the law contemplates such a report as will enable Congress to make a just and proper discrimination between such as are *bona fide* and should be confirmed, and such as are fraudulent or otherwise destitute of merit, and ought to be rejected.

The treaty of 1848 between the United States and Mexico (United States Statutes at Large, volume 9, page 922) expressly stipulates in the 8th and 9th articles for the security and protection of private property. The terms there employed in this respect are the same in substance as those used in the treaty of 1803, by which the French Republic ceded the ancient province of Louisiana to the United States; and conse-

quently, in the examination of foreign titles in New Mexico, you will have the aid of the enlightened decisions, and the principles therein developed, of the Supreme Court of the United States, upon the titles that were based upon the treaty of cession and the laws of Congress upon the subject.

The security to private property for which the treaty of Guadalupe Hidalgo stipulates is in accordance with the principles of public law as universally acknowledged by civilized nations.

"The people change their allegiance; their relation to their ancient sovereign is dissolved; but their relations to each other, and their rights of property, remain undisturbed."—United States *vs.* Percheman, 7 Peters' Reports.

In the case of the United States *vs.* Arredondo and others, 6th Peters' Reports, the Supreme Court declare that Congress "have adopted, as the basis of all their acts, the principle that the law of the province in which the land is situated is the law which gives efficacy to the grant, and by which it is to be tested whether it was *property* at the time the treaties took effect."

Upon the same basis Congress has proceeded in the present act of legislation, which requires the surveyor-general, under instructions from the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to land "under the laws, usages, and customs of Spain and Mexico;" and arms the surveyor-general with power for the purpose, by authorizing him to "issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises."

The private land titles in New Mexico are derived from the authorities of Old Spain, as well as of Mexico.

Among the "necessary acts" contemplated by the law and required of you, is, that you shall—

1st. Acquaint yourself with the land system of Spain as applied to her ultramarine possessions, the general features of which are found—modified, of course, by local requirements and usages—in the former provinces and dependencies of that monarchy on this continent. For this purpose you must examine the laws of Spain, the royal ordinances, decrees, and regulations as collected in *White's Recopilacion*, 2 vols.

By the acts of Congress approved 26th May, 1824, 23d May, 1828, and 17th June, 1844 (United States Statutes at Large, vol. 4, page 52, chap. 173; page 284, chap. 70; and vol. 5, page 676, chap. 95), the United States district courts were opened for the examination and adjudication of foreign titles. Numerous cases on appeal under these laws, and other cases on writs of error, in which actions on ejectment in the courts below had been instituted, were brought before the Supreme Court of the United States, where the rights of property under inceptive and imperfect titles which originated under the Spanish system have been thoroughly examined and discussed with eminent ability.

For these decisions I refer you to Peters' and Howard's Reports of the Decisions of the Supreme Court of the United States. It is important that you should carefully examine them in connection with the Spanish law, and the legislation of Congress on the subject, in order that you may understand and be able to apply the principles of the Spanish system as understood and expounded by the authorities of our Government.

2d. Upon your arrival at *Santa Fé* you will make application to the governor of the Territory for such of the archives as relate to grants of land by the former authorities of the country. You will see that they are kept in a place of security from fire, or other accidents, and that access is allowed only to land owners who may find it necessary to refer to their title records, and such references must be made under your eye, or that of a sworn employé of the Government.

You will proceed at once to arrange and classify the papers in the order of date, and have them properly and substantially bound. You will then have *schedules* (marked 1) of them made out in duplicate, and will prepare *abstracts* (No. 2), also in duplicate, of all the grants found in the records, showing the names of grantees, date, area, locality, by whom conceded, and under what authority.

You will prepare, in duplicate, from the archives or authoritative sources, a *document* (No. 3), exhibiting the names of all the officers of the Territory who held the power of distributing lands from the earliest settlement of the Territory until the change of government, indicating the several periods of their incumbency, the nature and extent of their powers conceding lands; whether, and to what extent, and under what conditions and limitations, authority existed in the governors or political chiefs to distribute (repartir) the public domain; whether in any class of cases they had the power to make an absolute grant; and if so, for what maximum in area; or, whether subject to the affirmance of the department or supreme government; whether the Spanish surveying system was in operation, and since what period in the country, and under what organization; also, with verified copies in the original, and translations, of the laws and decrees of the Mexican Republic, and regulations which may have been adopted by the general government of that republic for the disposal of the public lands in New Mexico. Herewith you will receive a table of land measures adopted by the Mexican Government, translated from the "Ordenanzas de Tierras y

Aguas," by Marianas Galvan, edition of 1844, as printed in Ex. Doc. No. 17, 1st session 31st Congress, House of Representatives, containing much valuable information on the subject of California and New Mexico, and of which document I would invite your special and careful examination.

In a report of the 14th November, 1851, from the surveyor-general of California, it is stated that all the grants, &c., of lots or lands in California, made either by the Spanish Government or that of Mexico, refer to the "vara" of Mexico as the measure of length; that, by common consent in California, that measure is considered as exactly equivalent to *thirty-three* American inches. That officer then enclosed to us copy of a document he had obtained as being an extract of a treaty made by the Mexican Government, from which it would seem that another length is given to the "vara;" and by J. H. Alexander's (of Baltimore) Dictionary of Weights and Measures, the Mexican vara is stated to be *equal to* 92.741 *of the American yard.*

This office, however, has sanctioned the recognition, in California, of the Mexican vara as being equivalent to thirty-three American inches.

You will carefully compare the data furnished in the table herewith, and in the foregoing, with the Spanish measurements in use in New Mexico, and will report whether they are identical; or if varied in any respect by law or usage, you will make a report of all the particulars.

You should also add to "document No. 3" the *forms* used under the former governments to obtain grants, beginning with the initiatory proceeding, viz, the petition, and indicating the several successive acts until the title was completed. A copy of the "schedule," "abstract," and "document," required of you in the foregoing, duly authenticated by you, should constitute a part of the permanent files of the surveyor-general's office, and duplicates of them should be sent as soon as practicable to the Department of the Interior.

The knowledge and experience you will acquire in arranging the archives, collecting materials, and making out the documents called for by these instructions, will enable you to enter understandingly upon the work of receiving and examining the testimony which may be presented to you by land claimants, and prepare your report thereon, for the action of Congress.

In the first instance, you will provide yourself with a *journal*, consisting of substantially bound volume or volumes, which is to constitute a complete record of your official proceedings in regard to land titles; and with a suitable *docket*, for the entry therein of claims in the order of their presentation, and so arranged as to indicate at a glance a brief statement of each case, its number, name of original and present claimant, area, locality, from what authority derived, nature of title—whether complete or incomplete, and your decision thereon.

Your first session should be held at *Santa Fé*, and your subsequent sessions at such places and periods as public convenience may suggest, of which you will give timely notice to the Department.

You will commence your session by giving proper public notice of the same, in a newspaper of the largest circulation in the English and Spanish languages—will make known your readiness to receive notices and testimony in support of the land claims of individuals, derived before the change of government.

You will require claimants in every case—and give public notice to that effect—to file a written *notice* setting forth the name of "present claimant;" name of the "original claimant;" nature of claim—whether inchoate or perfect; its date; from what authority the original title was derived, with a reference to the evidence of the power and authority under which the granting officer may have acted; quantity claimed; locality, notice, and extent of conflicting claims, if any, with a reference to the documentary evidence and testimony relied upon to establish the claim, and to show a transfer of right from the "original grantee" to "present claimant."

You will also require of every claimant an authenticated plat of survey, if a survey has been executed, or other evidence, showing the precise locality and extent of the tract claimed.

This is indispensable, in order to avoid any doubt hereafter in reserving from sale, as contemplated by law, the particular tract or parcel of land for which a claim may be duly filed, or in communicating the title to the same hereafter, in the event of a final confirmation.

The effect of this will be not only to save claimants from embarrassments and difficulties, inseparable from the presentation and adjudication of claims with indefinite limits, but will promote the welfare of the country generally, by furnishing the surveyor-general with evidence of what is claimed as private property, under treaty and the act of July 22, 1854, thus enabling him to ascertain what is undisputed public land, and to proceed with the public surveys accordingly, without awaiting the final action of Congress upon the subject.

You will take care to guard the public against fraudulent or antedated claims, and will bring the title-papers to the test of the genuine signatures, which you should collect of the granting officers, as well as to the test of the official registers or abstracts which may exist of the titles issued by the granting officers. In all cases, of course,

the *original* title-papers are to be produced, or loss accounted for; and where copies are presented, they must be authenticated; and your report should also state the precise character of the papers acted upon by you, whether originals or otherwise. Where the claim may be presented by a party as "present claimant" in right of another, you must be satisfied that the deraignment of title is complete; otherwise, the entry and your decision should be in favor of the "legal representatives" of the original grantee.

Your journal should be prefaced by a record of the law under which you are required to act, and of your commission and oath of office; and should contain a full record of the notice and evidence in support of each claim, and of your decision, setting forth, as succinctly and concisely as possible, all the leading facts, particulars, and the principles applicable to the case, and upon which such decision may be founded. All the original papers should, of course, be carefully numbered, filed, and preserved; and upon each should be indorsed the volume and page of the record in which they are entered, and such reference should be made on the journal and docket as will properly connect them with each other.

Your docket should be a condensed exhibit of every case and of your decision. The claims, both as to grade and dignity, may be classified by numerals or alphabetically, accompanied by explanatory notes, in such a manner that it will show every case confirmed and every one rejected by you.

In the case of any town lot, farm lot, or pasture lots, held under a grant from any corporation or town to which lands may be granted for the establishment of a town, by the Spanish or Mexican Government, or the lawful authorities thereof, or in the case of any city, town, or village lot, which city, town, or village existed at the time possession was taken of New Mexico by the authorities of the United States, the claim to the same may be presented by the corporate authorities; or where the land on which the said city, town, or village was originally granted to an individual, the claim may be presented by or in the name of such individual; and the fact being proved to you of the existence of such city, town, or village at the period when the United States took possession, may be considered by you as prima facie evidence of a grant to such corporation, or to the individuals under whom the lot-holders claim; and where any city, town, or village shall be in existence at the passage of the act of 22d July, 1854, the claim for the land embraced within the limits of the same may be made and proved up before you by the corporate authority of the said city, town, or village. Such is the principle sanctioned by the act of 3d March, 1851, for the adjudication of Spanish and Mexican claims in California; and I think its application and adoption proper in regard to claims in New Mexico.

In the month of March, 1849, there was published in the Atlantic States an extract of a letter dated December 12, 1848, at Santa Fé, New Mexico, purporting to be from a young officer of the army, in which it was stated that "the prefect at El Paso del Norte has for the last few months been very active in disposing (for his own benefit) of all lands in that vicinity that are valuable, *antedating* the title to said purchases;" that "these land titles" would "be made a source of profitable litigation," &c. It will be your duty to subject all papers under suspicion of fraud to the severest scrutiny and test, in order to settle the question of their genuineness.

You will also collect information, from authentic sources, in reference to the laws of the country respecting minerals, and ascertain what conditions were attached to grants embracing mines; whether or not the laws and policy of the former governments conferred absolute title in granting lands of this class in New Mexico. It is proper, also, and you are instructed in the case of every claim that may be filed, to ascertain from the parties, and require testimony, as to whether the tracts claimed are mineral or agricultural; and you will be careful to make the necessary discrimination in the record of your proceedings and in your docket.

Your report should be divided into two parts. Part first should embrace individual and municipal claims, and should be prepared in the manner contemplated by law, and in accordance with the requirements in the foregoing instructions.

The law further requires you, also, to "make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land."

Part second of your report should be devoted to this branch of your duty.

It will be your business to collect *data* from the records and other authentic sources relative to these pueblos, so that you will enable Congress to understand the matter fully, and legislate in such a manner as will do justice to all concerned.

In a report dated July 29, 1849, in camp near Santa Fé, from the Indian agent, James S. Calhoun, to the Commissioner of Indian Affairs, he says: "The Pueblo Indians, it is believed, are entitled to the early and especial consideration of the Government of the United States; they are the only tribe in perfect amity with the Government, and are an industrious, agricultural, and pastoral people, living principally in villages, ranging north and west of Taos south, on both sides of the Rio Grande, more than 250 miles;" that "by a Mexican statute these people," as he had been informed by Judge Houghton, of Santa Fé, "were constituted citizens of the republic of Mexico, grant-

ing to all of mature age, who could read and write, the privilege of voting;" but this statute has no practical operation; that "since the occupancy of the Territory by the Government of the United States, the Territorial legislature of 1847 passed the following act, which at the date of the Indian agent's report was in force:

"SEC. 1. *Be it enacted by the general assembly of the Territory of New Mexico*, That the inhabitants within the Territory of New Mexico known by the name of Pueblo Indians, and living in towns or villages built on lands granted to such Indians by the laws of Spain or Mexico, and conceding to such inhabitants certain land and privileges, to be used for the common benefit, are severally hereby created and constituted bodies politic and corporate, and shall be known in law by the name of the 'Pueblo,' &c., (naming it;) and by that name they and their successors shall have perpetual succession—sue and be sued."

In a subsequent report, viz: of the 4th of October, 1849, the same officer reported, from Santa Fé, that "the pueblos or civilized towns of Indians of the Territory of New Mexico are the following:

In the county of Taos: Taos Picoris	283	inhabitants.
In the county of Rio Ariba: San Juan, Santa Clara	500	"
In the county of Santa Fé: San Ildefonso, Namba, Pojoaque, Tesuque	590	"
In the county of Santa Ana: Cochite, Santa Domingo, San Felipe, Santa Ana, Zia, Jenez	1,918	"
In the county of Bernalillo: Sandia-Gleta	883	"
In the county of Valencia: Leguna, Acona, Zunia	1,800	"
Opposite El Paso: Socoro, Islettas	600	"

Recapitulation.—Pueblos of New Mexico.

County of Taos	283	over five	years of age.
County of Rio Ariba	500	"	"
County of Santa Fé	590	"	"
County of Santa Ana	1,918	"	"
County of Bernalillo	833	"	"
County of Valencia	1,800	"	"
District of Tontero, opposite El Paso del Norte	600	"	"
	6,524."		

The above enumeration, it is stated by the officer mentioned, "was taken from census ordered by the legislature of New Mexico, convened December, 1847, which includes only those of five years of age and upwards;" and further, that "these pueblos are located from ten to near a hundred miles apart, commencing north at Taos, and running south to near El Paso, some four hundred miles or more, and running east and west two hundred miles;" this statement having no reference to pueblos west of Zunia.

In another despatch, dated the 15th October, 1849, at Santa Fé, the same agent reports that "these pueblos are built with direct reference to defence, and their houses are from one to six stories high," &c.; that "the general character of their houses is superior to those of Santa Fé;" they "have rich valleys to cultivate," &c.; and they "are a valuable and available people, and as firmly fixed in their homes as any one can be in the United States;" that "their lands are held by Spanish and Mexican grants—to what extent is unknown;" that Santa Ana, as Major Weightman had informed the agent, "decreed, in 1843, that one born in Mexico was a Mexican citizen, and, as such, is a voter, and therefore all the Pueblo Indians are voters;" but that "the exercise of this privilege was not known prior to what is termed an election—the last one in this Territory," &c.

It is obligatory on the Government of the United States to deal with the private land titles, and the "pueblos," precisely as Mexico would have done had the sovereignty not changed. We are bound to recognize all titles as she would have done—to go that far, and no further. This is the principle which you will bear in mind in acting upon these important concerns.

You will append to your report on the pueblos the best map of the country that can be procured, on a large scale, and will indicate thereon the localities and extent of the several pueblos as illustrative of that report; which you are desired to prepare and transmit to the Department at as early a period as the nature of the duty will allow.

Very respectfully, your obedient servant,

JOHN WILSON, *Commissioner.*

WM. PELHAM, Esq.,
U. S. Surveyor-General of New Mexico.

The foregoing instructions are hereby approved.

R. McCLELLAND, *Secretary.*

DEPARTMENT OF THE INTERIOR,
August 25, 1854.

Extract of a treaty made with the Mexican Government, which accompanied a report dated November 14, 1851, from the U. S. surveyor-general of California, respecting the ratio of land measures between those employed under the Mexican Government and those in use in the United States.

[From the Mexican ordinance for land and sea.]

Article 20th of the agreement entered into between the minister plenipotentiary of the Mexican Republic and her agents in London, the 15th of September, 1837, with the holders of Mexican bonds.

20th. In compliance of what is ordered by the seventh article of the preceding law, and in order to carry into effect the stipulation in the preceding agreement in regard to the holders of bonds deferred, it is declared that the act of which mention is made in said agreement answers to 4840 English yards squared, equivalent to 5762.403 Mexican varas square; inasmuch that the sitio de ganado moyer contains 4338.464 acres, the Mexican vara having been found by exact measures equal to 837 French millimetres, and consequently to *$\frac{916463}{1000000}$ of the English imperial yard.

Reducing the ratio of 4840 square yards and 5762.403 square varas, the vara will be 32.99312
Reducing the 4338.464 acres 32.99311
Reducing the fraction $\frac{916463}{1000000}$ 32.992884
The fraction mentioned in note, $\frac{915755}{1000000}$ 32.96718

Table of land measures adopted in the Republic of Mexico.

Names of the measures.	Figures of the measures.	Length of the figures expressed in varas.	Breadth in varas.	Area in square varas.	Areas in caballerias.
Sitio de ganado moyer	Square	5,000	5,000	25,000,000	41,023
Criadero de ganado moyer	do	2,500	2,500	6,250,000	10,255
Sitio de ganado menor	do	3,333⅓	3,333⅓	11,111,111⅑	18,232
Criadero de ganado menor	do	1,666⅔	1,666⅔	2,777,777 7/9	4,558
Caballeria de tierra	Right-angled parallelogram.	1,104	552	609,408	1
Media caballeria	Square	552	552	304,704	½
Cuarto caballeria ó Suerte de tierra	Right-angled parallelogram.	552	276	152,352	¼
Fenega de sembraduro de maiz	do	376	184	56,784	1/12
Sala para casa	Square	50	50	2,500	0.004
Fundo legal para pueblos	do	1,200	1,200	1,440,000	2.036

The Mexican vara is the unit of all the measures of length, the pattern and size of which are taken from the Castilian vara of the mark of Burgos, and is the legal vara used in the Mexican republic. Fifty Mexican varas make a measure which is called cordel, which instrument is used in measuring lands.

The legal league contains 100 cordels, or 5,000 varas, which is found by multiplying by 100 the 50 varas contained in a cordel. The league is divided into two halves and four quarters, this being the only division made of it. Half a league contains 2,500 varas, and a quarter of a league 1,250 varas. Anciently, the Mexican league was divided into three miles, the mile into a thousand paces of Solomon, and one of these paces into five-thirds of a Mexican vara; consequently the league had 3,000 paces of Solomon. This division is recognized in legal affairs, but has been a very long time in disuse—the same as the pace of Solomon, which in those days was called vara, and was used for measuring lands. The *mark* was equivalent to two varas and seven-eighths—that is, eight marks containing twenty-three varas—and was used for measuring lands.

* *Translation of a note at the foot of the page.*

Without doubt, in this fraction there is an error of the press, since, considering the English yard 914 millimetres, and the Mexican vara 837 millimetres, the vara will be $\frac{915755}{1000000}$ of a yard, the first figure, 6, being the inverted 9.

The surveyor-general of New Mexico, under the instructions recited, reported as follows:

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1855.

SIR: I have the honor to submit the following as the report of the operations of this office from the time of its establishment up to the present date.

I arrived at this place on the 28th day of December last, and immediately opened the office of the surveyor-general for this Territory.

In accordance with your instructions I made application to his excellency David Merriwether, governor of the Territory, for such of the archives as related to grants of land by the former authorities of the country, which he declined delivering, giving as his reason that their selection from the large amount of papers composing the public archives of the Territory would involve an immense amount of labor and a heavy expenditure, which he was not authorized to incur. He, however, allowed me to remove the packages containing such papers as related to the grants of land in the country from their deposit, and examine them in my own office; whereupon I immediately assigned two of my clerks to separate them. On the last day of July this difficult duty was accomplished, and from one hundred and sixty-eight packages, averaging one hundred and sixty-eight thousand papers, of every nature and description imaginable, one thousand seven hundred and fifteen grants, conveyances of land, and other documents referring to claims to lands, have been selected, and are now being arranged and classified in a systematical form in this office. It will, however, be impossible to have them properly and substantially bound, as required by your instructions, on account of the different shapes and forms in which they are to be found—some existing on large sheets of foolscap paper, while others are to be found on half sheets, and others again on scraps of paper, which can never be bound in any convenient form. I respectfully suggest that they be copied in substantially bound books, properly certified and translated.

There is no *data* to be found in the archives from which the names of the officers of the Territory who held the power of distributing lands from the earliest settlement of the Territory until the change of government can be obtained. Should I be enabled to procure that information from any other authoritative source, I will embody it in my next annual report.

I herewith enclose a notice, marked A, which I issued upon my arrival at this place, expressing my readiness to receive notices and testimony in support of the land claims of individuals derived before the change of government, by virtue of which notice fifteen claims have been filed for examination and adjudication. The difficulties and expense to which parties filing claims in this office are subjected will account for the limited number which has been filed; and I respectfully recommend further legislation on the subject, as the present law has utterly failed to secure the object for which it was intended.

My residence in this place has been so short and my duties so pressing that I have not been able to procure sufficient information on which to base any report in reference to the mineral lands in the Territory.

There are many land titles and grants deposited in the archives of the several county seats in this Territory, and I am informed that all the grants made between the first conquest of this Territory, and its reconquest, in 1678, are deposited in the archives of El Paso, the former capital of the Territory. The grants made to individuals in the Mesilla Valley, and the Territory newly acquired from the Republic of Mexico, are also deposited at El Paso, and provision should be made to have them all selected, and permanently deposited in the archives of this office.

* * * * * * *

WILLIAM PELHAM,
Surveyor-General, New Mexico.

The following "notice to the Inhabitants of New Mexico" was issued by Surveyor-General Pelham. It was published in Spanish and English.

The surveyor-general of New Mexico, by act of Congress approved on the 22d July, 1854, is required to "make a full report on all such claims as originated before the cession of the Territory to the United States by the treaty of Guadalupe Hidalgo of 1848, denoting the various grades of title, with his decision thereon, as to the validity or invalidity of each of the same, under the laws, usages, and customs of the country before its cession to the United States." And he is also required to "make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land. Such report to be made according to the form prescribed by the Secretary of the Interior, which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm

bona-fide grants, and give full effect to the treaty of 1848, between the United States and Mexico."

Claimants in every case will be required to file a written notice, setting forth the name of the "present claimant," name of "original claimant;" nature of claim, whether inchoate or perfect; its date; from what authority the original title was derived, with a reference to the evidence of the power and authority under which the granting officer may have acted; quantity claimed; locality; notice and extent of conflicting claims, if any, with a reference to the documentary evidence and testimony relied upon to establish the claim, and to show transfer of right from the "original grantee" to "present claimant."

Every claimant will also be required to furnish an authenticated plat of survey, if a survey has been executed, or other evidence, showing the precise locality and extent of the tract claimed.

To enable the surveyor-general to execute the duty thus imposed upon him, by law, he has to request all those individuals who claimed lands in New Mexico before the treaty of 1848, to produce the evidences of such claims at this office at Santa Fé as soon as possible.

* * * * * * *

Given under my hand at my office at Santa Fé, this 18th day of January, A. D. 1855.

WILLIAM PELHAM,
Surveyor-General of New Mexico.

The Commissioner of the General Land Office, in his report for 1856, says:

The selection from the archives of the Spanish and Mexican governments, which were turned over to the surveyor-general's office by the governor of New Mexico, resulted in the collection of 1,014 grants and documents relating to land titles, of which 197 are private grants. These have all been classified, alphabetically arranged, and constitute permanent official records.

From the advices received at this office from the surveyor-general of New Mexico and other sources, it is evident individuals claiming lands under former governments before the treaty of Guadalupe Hidalgo of 1848, are very averse to respond to the call made on them by the surveyor-general's notice of January 18, 1855, to produce the evidences of their claims to his office at Santa Fé; some from fear of losing the evidence of their titles, inspired, it is supposed, by designing individuals.

In many instances, the Pueblo Indians have been deterred from filing their title-papers with the surveyor-general, in the apprehension they would never again get possession of them.

Others, conscious of an indisputable possessory right of landed estates, feel perfect security on the subject, and do not care to exhibit, much less file, their title-papers, for the purpose of enabling the surveyor-general to report upon the claims to Congress for confirmation under the act of July 22, 1854.

The report of the surveyor-general gives full lists of names of grantees and claimants; also lists of Spanish and Mexican governors of New Mexico, who granted lands.

A PUEBLO (TOWN) GRANT.

As an illustration of the method of obtaining from the authorities of Spain a grant or concession for lands (for agriculture, mining, or grazing), the following translation of the original Spanish grant for the town of Tomé, will suffice:

Grant of the town of Tomé.

Year 1739.

New settlement of "Nuesta Señora de la Concepcion de Tomé Dominguez," instituted and established by Don Gaspar Domingo de Mendoza, governor and captain-general of this kingdom of New Mexico, contained in four pages, including this.

SIR SENIOR JUSTICE: All the undersigned appear before you, and all and jointly, and each one for himself, state, that in order that his excellency the governor may be pleased to donate to them the land called Tomé Dominguez, granted to those who first solicited the same, and who declined settling thereupon, we therefore ask that the land be granted to us; we therefore pray you to be pleased *[eaten by mice]* at that time to *[eaten by mice]* said settlers, we being disposed to settle upon the same within the time prescribed by law; we pray you to be pleased to give us the grant which you have caused to be returned, as you are aware that our petition is founded upon justice and necessity, our present condition being very limited, with scarcity of wood, pasture for our stock, and unable to extend our cultivation and raising of stock in this town of Albuquerque, on account of the many foot-paths encroaching upon us.

and not allowed to reap the benefit of what we raise, and, in a measure, not even our crops on account of the scarcity of water, and with most of us our lands are of little extent and much confined, &c. In view of all which we pray and request you to be pleased to grant our petition, by doing which we will receive grace with justice; and we swear in all form that it is not done in malice; we protest costs and whatever may be necessary.

Juan Barela, Joseh Salas, Juan Ballejos, Manuel Carillo, Juan Montaño, Domingo Cedillo, Matias Romero, Bernardo Ballejo, Gregorio Jamarillo, Francisco Sanchez, Pedro Romero, Phelipe Barela, Lugardo Ballejos, Augustin Gallegos, Alonzo Perea, Thomas Samora, Nicholas Garcia, Ignacio Baca, Salvador Manuel, Francisco Silva, Francisco Rivera, Juan Antonio Zamora, Miguel Lucero, Joachim Sedillo, Simon Samora, Xpritoval Gallegos, Juan Ballejos, grande, Jacinto Barela, Diego Gonzalez.

In this town of San Phelipe de Albuquerque, on the second day of the month of July, in the year one thousand and seven hundred and thirty-nine, before me, Captain Juan Gonzalez Baz, senior justice of said town and its jurisdiction, came the persons contained in the above petition, which by me seen, I state: That I cannot deliver to them the grant asked for, as it has been returned by order of my governor, until I consult with his excellency, to whom this petition is referred, that seeing it, his excellency may determine whatever may be proper. I have so ordered and signed, acting by appointment, with two attending witnesses, in the absence of a public or royal notary, there being none in this kingdom. Date, *ut supra*.

JUAN GONZALEZ BAZ.

Witnesses:
B. S. R. ALEJANDRO GONZALEZ.
SALVADOR MARTINEZ.

Don Gaspar Domingo de Mendoza, governor and captain-general of this kingdom of New Mexico, for his majesty, having seen the above, I considered it as presented, and in view of the request of the individuals therein contained, grant to them, in the name of his majesty, whom may God preserve, the land petitioned for, called the land of Tomé Dominguez, for themselves, their successors, and whoever may have a right thereto under the conditions and circumstances required in such cases, and which is to be without prohibition to any one desiring to settle the same, holding and improving it during the time required by law. In view of which, I should order, and did order, that said senior justice or his lieutenant, whose duty it is, shall place them in the possession of the aforementioned lands, giving in all cases to each one the portion he may be entitled to in order to avoid difficulties which may occur in the future. I have so provided, ordered, and signed, acting by appointment, with attending witnesses, in the absence of a royal or public notary, there being none in this kingdom, and on common paper, there being none other.

DON GASPAR DOMINGO DE MENDOZA.

ANTONIO DE HERRERO.
JOSEH TERRUS.

POSSESSION.—In the new settlement of "Nuestra Señora de la Concepcion de Thomi Dominguez," instituted and established by Don Gaspar Domingo de Mendoza, actual governor and captain-general of this kingdom of New Mexico, on the thirtieth day of the month of July, in the year one thousand seven hundred and thirty-nine, I, Captain Juan Gonzalez Baz, senior justice and war captain of the town of San Phelipe de Albuquerque, and the districts within its jurisdiction, by virtue of the decree issued and above provided by said governor, the royal possession ordered to be given being published and promulgated, and the parties concerned being together, I proceeded to the above-mentioned place, and all being present, I notified them of the decree; I took them by the hand, walked with them over the land; they cried out, pulled up weeds, threw stones, as required by law; and having placed the new settlers in possession of said lands, I gave them the title and vocacion they should have in the settlement, which bears the name aforementioned, of "Nuestra Señora de la Concepcion de Thomi Dominguez," whose titular feast they promised to observe and celebrate every year. And the first proceedings having been noted, I proceeded to establish the boundaries as contained in the first petition, which are as follows: on the west the Del Norte River, on the south the place commonly called "Los Tres Alamos," on the east the main ridge called Sandia, and on the north the point of the marsh at the hill called Tomé Dominguez; at which principal boundaries I ordered them to perpetuate their existence with permanent landmarks, pointing out to them also, as a means of good economy, their common pastures, water, and watering places, and uses and customs for all, to be used without any dispute, with the condition that each one is to use the same without dispute, in equal portions, the richest as well as the poorest; and by virtue of what has been ordered, I pronounce this royal possession as sufficient title for themselves, their children, heirs and successors, to hold their lands

now and forever at their will; directing them, as I do direct them, to settle the same within the time prescribed by the royal ordinances; and for their greater quietude, peace, tranquillity and harmony, I proceeded to point out the land each family should cultivate, each one receiving in length a sufficient quantity to plant one fanega of corn, two of wheat, garden and house lot, as follows: To Francisco Sanchez, the general boundary on the west, the Del Norte River and (torn) arroyo or dry branch running out from said river, (torn) bounded by lands of Matias Romero, (torn;) with them the lands of Ygnacio Baca; with them Lugardo Ballejo; with these, the lands of (torn) these are bounded by the lands of Bernardo Ballejo, (torn), lands of Juan Ballejo el grande; with these (torn) Gregorio Jaramillo; with these are bounded the lands of Josefa Gutierrez; with these a body of the lands of her brother Gregorio Gutierriz, (torn) the lands bounded by them; those of Miguel Lucero, (torn;) with them those of Francisco de Silva; with these are those of Juan Ballejo the youngest; with these are bounded the lands of Manuel Carrillo and his sister Jacinta Martin Carrillo, (torn) a body of the lands of Juan Barela, (torn) Ventura Romero, Domingo Sedillo, (torn) Salvador Manuel Marquez, Manuel Carrillo, (torn) Jacinto Barela and Augustin Gallejo, (torn) on the east, (torn) Cristobal Gallegos, Felipe Barela, (torn) Simon Zamora and Juan Montaño, (torn) which are distributed on uncultivated ground in order that (torn) appear to be agreed upon (torn) possession was given, (torn) all having expressed themselves satisfied now and in the future, without failing to comply in one single instance with what had been ordered, nor in which said settlers should observe. And in order that it may so appear, I signed, acting by appointment, with attending witnesses, in the absence of a public and royal notary, there being none in this kingdom, on said day *ut supra, &c.*, corrected.

FRANSISCO SANCHEZ.
JUAN GONZALEZ BAZ.

Witnesses:
ALEJANDRO GONZALEZ.
YSIDRO SANCHEZ.

SURVEYOR-GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, August 25, 1856.

The foregoing is a correct translation of the copy of the original grant to the settlers of Tomé, filed by the claimants.

DAVID V. WHITING,
Translator.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1856.

The foregoing is a true copy of the translation made in this office of the grant to the settlers of Tomé, filed by the claimants.

WM. PELHAM,
Surveyor-General.

TERRITORY OF NEW MEXICO, }
Santa Fé County. }

To the Hon. William Pelham, surveyor-general of the Territory of New Mexico.

Your petitioners, the inhabitants of the sitio of Tomé, in the county of Valencia, New Mexico, would respectfully state to you, that in the year 1739 one Juan Barela and others petitioned one Gaspar Domingo Mendoza, then captain-general and governor of the province of New Mexico, under the crown of Spain, for a grant of the sitio of Tomé Dominguez. Your petitioners would further state, that said petition was duly presented, and being fully considered by said governor, a grant of land was made to said petitioners on the 30th day of July, 1739, called the sitio of Tomé Dominguez, situate now in the county of Valencia, and bounded on the west by the Rio del Norte; on the south by the stopping place called the Three Trees; on the east with the Sierra Madre, called Sandia; and on the north by la punta de los Esteros del Serro que llaman de Tomé Dominguez; which said grant was made to said petitioners and their heirs in fee, and was duly taken possession of by said grantees, in accordance with the forms of law then in force, and has ever since that time been in the quiet and peaceable possession of said grantees, their heirs and assigns, without any adverse claim of any kind from any source whatever. Your petitioners further state that the town of Tomé is situated on said grant, and the residence and farms of your petitioners, who have inherited the same from the original grantees, or acquired them by purchase. Your petitioners further state that they are not able to state the number of leagues contained within the boundaries of said grant, as no survey of the same has as yet ever been made, but the boundaries mentioned in said grant are well known and easily identified.

Your petitioners, the inhabitants of said sitio, to the end that their title may be

recognized and perfected under the act of Congress, in such case made and provided, herewith present a copy of said grant for your consideration, and report marked with the letter (W). All of which is respectfully submitted.

The inhabitants of Tomé:

By JOHN S. WATTS, *Attorney.*

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1856.

The foregoing is a true copy of the notice filed in this office by the attorney of the inhabitants of the sitio of Tomé for a confirmation of their grant.

WM. PELHAM,
Surveyor-General.

Town of Tomé.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, September 2, 1856.

The claim to this town was filed in this office on the 6th day of August, 1856.

In the year 1739 Juan Barela and others petitioned Juan Gonzalez Baz, the senior justice of the town of Albuquerque, to grant them a tract of land which had been previously granted to one Tomé Dominguez, and which grant had been revoked by the governor and captain-general.

This petition was referred by the senior justice, on the 2d day of July, 1739, to Gaspar Domingo de Mendoza, governor and captain-general of the Territory, who granted them the lands in the name of his majesty; and on the 30th day of July, 1739, Juan Gonzalez Baz, senior justice, and war-captain of the town of San Philipe de Albuquerque, and the districts under its jurisdiction, placed the said Barela and companions in possession of the land so granted, with the following boundaries: on the west, the Del Norte River; on the south, the place commonly called "Los Tres Alamos"; on the east, the Sierra Madre, called Sandia; and on the north the point of the marsh of the hill called Tomé Dominguez.

The original grant of the land embraced in this claim was selected from the archives of the Territory found at this place, but in so dilapidated a condition, and so much eaten by mice, that it is not legible. This office has, therefore, acted upon a certified copy made in the year 1836, filed by the claimant.

The signature of the governor and captain-general on the original grant, on comparison with others of the same officer in this office, appears to be genuine, and the boundaries on the original are complete, and correspond with those on the copy.

The heirs and successors of the parties to whom this grant was made have been in the peaceable possession of the land for one hundred and seventeen years, without any adverse claim from any person whatsoever.

The decrees and orders of the King of Spain, and the recapitulation of the Indians, conferred upon the governors of territories under its jurisdiction the power of distributing the public lands, and this grant was made in pursuance of the power so vested; and the grant to the said town of Tomé is therefore approved, and the Congress of the United States respectfully recommended to confirm the same, causing a patent to issue therefor by the proper department, and that the land embraced within the limits set forth in the grant be surveyed.

WM. PELHAM,
Surveyor-General of New Mexico.

SURVEYOR-GENERAL'S OFFICE,
Santa Fé, New Mexico, September 30, 1856.

The foregoing is a true copy of the original on file in this office.

WM. PELHAM,
Surveyor-General of New Mexico.

Thereafter this claim was forwarded to the General Land Office, from whence it went to Congress, was confirmed, and afterwards surveyed and patented.

INDIAN PUEBLOS IN NEW MEXICO.

The act of March 3, 1857 (11 Stats., p. 184), appropriated $3,750 for surveying and marking the exterior boundaries of Indian pueblos in the Territory.

List of patents issued for Indian pueblos in the Territory of New Mexico to June 30, 1880.

Name.	Patentee.	Area.
		Acres.
Pueblo of Tesuque	Pueblo of Tesuque	17,471.12
Pojoaque	Pojoaque	13,520.38
Nambe	Nambe	13,586.33
San Ildefonso	San Ildefonso	17,292.64
Santa Clara	Santa Clara	17,368.52
San Juan	San Juan	17,544.77
Picuris	Picuris	17,460.69
Taos	Taos	17,360.55
Pecos	Pecos	18,763.33
Zia	Zia	17,514.63
Jemez	Jemez	17,510.45
Cochiti	Cochiti	24,256.50
Isleta	Isleta	110,080.31
Sandia	Sandia	24,187.29
Santo Domingo	Santo Domingo	74,743.11
San Felipe	San Felipe	34,766.86
Total acres		453,427.48

Further legislation for New Mexico.

The act of June 21, 1860 (12 Stats. p. 71), confirmed the private land claims recommended for confirmation by the surveyor-general in his letter to the Commissioner of the General Land Office of January 12, 1858, designated as Nos. 1, 3, 4, 6, 8, 9, 10, 12, 14, 15, 16, 17, and 18, and the claim of E. W. Eaton, with the proviso that the claim of John Scolly and others (No. 9) was not confirmed for more than five square leagues, and the claim of Vigil and St. Vrain (No. 17) for not more than eleven square leagues to each; also prescribed the manner of locating the Scolly claim, and of distributing the quantity confirmed to Vigil and St. Vrain to the derivative claimants under them and of locating the remainder.

The same act also confirmed the claims recommended by the surveyor-general in his report and abstract marked exhibit A, communicated to Congress by the Secretary of the Interior, February 3, 1860, numbered from 20 to 38, both inclusive, except No. 26, in the name of Juan B. Vigil, which was not confirmed; but it provided that Juan B. Vigil might prosecute his claim against the United States, within two years, before the supreme court of the Territory, with right of appeal to the Supreme Court of the United States; and also that the heirs of Luis María Baca, who claimed the land confirmed to the town of Las Vegas (No. 20) might select and locate, in five parcels, the same quantity of vacant not mineral land—the confirmations by said act only to be construed as relinquishments on the part of the United States, and not to affect adverse rights.

By the act of March 1, 1861 (12 Stats., p. 887), the claim reported by the surveyor-general to the Commissioner of the General Land Office November 24, 1860, as No. 43, was confirmed, the confirmation only to have the effect of a quitclaim by the United States, and not to affect adverse rights.

The act of February 25, 1869 (15 Stats., p. 275), required the exterior lines of the Vigil and St. Vrain claim to be adjusted according to the lines of the public surveys, subject to the claims derived from said parties; and the claims of all actual settlers upon the tracts before then claimed by Vigil and St. Vrain, holding possession under them, who might establish their claims within one year to the satisfaction of the register and receiver, should in like manner be adjusted; the areas of such claims to be excluded from the adjusted limits of the claims of Vigil and St. Vrain, respectively; and for pre-emption and homestead claims falling within the located limits of the claims of Vigil and St. Vrain they (Vigil and St. Vrain) might locate a like quantity of public land, not mineral, not exceeding 160 acres in any one section.

By section 2 it was made the duty of the surveyor-general to cause the lines of the public surveys to be extended over the territory in question, and before the confirma-

tion should become effective, Vigil and St. Vrain were required to pay the cost of so much of the surveys as inured to their benefit, respectively; and all settlers whose claims may be adjusted as valid to have the right to enter their improvements by compliance with the pre-emption and homestead laws.

By section 3 the surveyor-general was required, upon the adjustment of the claims of Vigil and St. Vrain, to furnish proper approved plats to them and to the derivative claimants, which shall be evidence of title.

By section 4 the surveyor-general, upon the running of the lines, was to give notice to Vigil and St. Vrain, who were to select and locate their claim within three months, &c., and on failure to make such selection and location within the time prescribed, they should be deemed to have abandoned their claims, &c.

Section 5 provides that if said claimants neglect or fail to accept the provisions of the act and of that to which it is amendatory, no suit shall be brought to establish their claims after six months from the passage of the act.

The act of March 3, 1869 (15 Stats. p. 342), confirms the claims designated as Nos. 41, 42, 44, 46, and 47, in the reports of the surveyor-general and the records of the General Land Office, the confirmation to be construed as a quitclaim only on the part of the United States, and not to affect adverse rights. The claims confirmed by the act to be surveyed at the expense of the claimants and patented; patents also to be issued for lands before confirmed by Congress and surveyed, and plats filed in the General Land Office. Surveys under the act to conform to, and be connected with, the public surveys as far as practicable; and lands confirmed, surveyed, and patented, to be in full satisfaction of all claim against the United States.

By the act of March 3, 1875 (18 Stats., p. 384), the provision of the third section of the act of May 13, 1862, requiring the expense of survey, &c., to be paid by claimant before issue of patent, was repealed. (But see section 2400 Revised Statutes.)

NUMBER OF CLAIMS PENDING.

After a lapse of nearly thirty years, more than 1,000 claims have been filed with the surveyors-general, of which less than 150 have been reported to Congress, and of the number so reported Congress has finally acted upon only 71. The construction of railroads through New Mexico and Arizona, and the consequent influx of population in those Territories, render it imperatively necessary that these claims should be finally settled with the least possible delay. I have, therefore, the honor to recommend that the attention of Congress be called especially to this subject, with a view to securing action upon the claims pending before it, and upon the pending bill providing for the settlement of the remaining claims. (Hon. Secretary of the Interior, report 1880.)

With no statute of limitation as to the time of filing these claims, with paper titles of grant held by men and women, stored away in old boxes or carried about their persons, no one can form any estimate of the area yet claimed in New Mexico or Arizona. The surveyors-general and Commissioners of the General Land Office, for years past, have called upon Congress for the enactment of a statute of limitation as to the time of filing these private land claims. There may yet be 1,000 or 5,000. As time moves along the best evidence is fast passing away, which will necessitate more energy and expense on the part of the United States to head off the prospective modern manufacture of ancient muniments of title. There have been patents issued by the United States for 4,456,158.43 acres of private land claims, in New Mexico and Colorado; the largest grant being for 1,714,764.94 acres, and the smallest for 1,720 acres.

There were, on the 30th of June, 1880, 46 claims for private land grants in New Mexico and Colorado, containing an area of 4,675,173.57 acres, pending in the General Land Office for patents, as follows:

List of confirmed private land claims in New Mexico and Colorado pending in the General Land Office.

	Acres.
Preston Beck	318,699.72
Tierra Amarilla	594,515.55
Sangre de Cristo	1,038,195.16
Town of Casa Colorada	131,779.87

	Acres.
Brazito	10, 612. 57
Town of Tecolote	21, 636. 83
Las Trigos	9, 646. 56
Junta de las Rios	108, 507. 64
Town of Chilili	23, 626. 22
Agua Negra	17, 361. 11
Las Animas, parts of	17, 087. 35
Cañon de Pecos	574. 34
Rancho of the Pueblo of San Cristoval	27, 854. 06
Las Vegas	496, 446. 96
Baca; location Nos. 1, 2, 3, 4, and 5	496, 446. 96
Town of Tejique	7, 185. 55
Town of Torreon	14, 146. 11
Town of Manzano	17, 360. 97
Town of San Ysidro	11, 476. 68
Town of Cañon de San Diego	116, 286. 89
Town of Las Trampas	46, 461. 22
Sebastian Martin grant	51, 387. 80
Anton Chico	383, 856. 81
Indian Pueblo of Laguna	101, 510. 78
Vicente Duran Armijo grant	57. 18
Town of Chamito	1, 636. 29
Town of Tejon	12, 801. 46
Pedro Sanchez grant	31, 802. 92
Ojo del Añil	69, 445. 55
Town of Cevolletta	200, 843. 25
Antoine Leroux grant	126, 024. 59
Mesita de Juan Lopez	42, 022. 85
Ojo del Espirita Santo	127, 875. 86
Total acres	4, 675, 173. 57

June 30, 1880, there were 60 private land claims in Colorado and New Mexico pending in Congress for confirmation, embracing an area, so far as the same have been surveyed, of 4,294,672.473 acres. The largest contains 472,736.90 acres, and the smallest 1,003.55 acres, as follows:

List of private land claims in New Mexico and Colorado reported to Congress, and now awaiting action.

Name.	Acres.	Remarks.
B. M. Montana grant	151, 056. 97	
Cañada de los Apaches	88, 079. 78	
Nerio Antonio Montoya, jr	3, 546. 06	
Roque Lovato grant	1, 619. 86	
Cañada de los Alamos	13, 706. 02	
Bernardino de Sena		No survey.
J. B. Valdez grant	6, 583. 29	
Juan de Dios Peña		No survey.
José F. Baca y Terrus	1, 589. 87	
Rio Grande	109, 043. 80	
Serrillos	2, 287. 41	
Town of Galisteo		No survey; rejected by surveyor-general.
Cebolla tract	17, 159. 57	
Town of Cieneguilla	43, 961. 54	
Cojo del Rio	62, 343. 01	
Cajon del Rio de Tesuque	11, 619. 56	
San Joaquin del Nacimiento	131, 725. 87	
San Clemente tract	89, 403. 40	
Grant to Luis de Armenta		No survey.
Grant to Juan Salas	436. 41	
Grant to Antonio Sandoval	415, 036. 56	
Cañon de Chama	472, 736. 95	
Ojo del Apache		No survey; rejected by surveyor-general.
Piedra Lumbre	48, 336. 12	
Grant to Bartolome Marquez and Francisco Padilla	637. 23	
Sierra Mosca	33, 250. 39	
Town of San Antonio del Colorado		No survey.
Town of Ojo Caliente	38, 590. 20	
San Miguel Spring tract	25, 176. 39	

List of private land claims in New Mexico and Colorado, &c.—Continued.

Name.	Acres.	Remarks.
Arroyo de San Lorenzo	130, 138. 98	
Grant of Juan de Mestas	1, 686. 47	
Cuyamungue Pueblo tract	....	No survey.
Grant to Salvador Gonzales	103, 959. 31	
Town of Bernalillo	11, 674. 87	
Angustura tract	2, 319. 04	
Dona Anna Bend	19, 323. 57	
Mesilla Colony grant	33, 960. 33	
Grant to Gaspar Ortiz	....	No survey on file in General Land Office.
Santa Fé City land claim	17, 361. 11	
Talaya tract	1, 003. 55	
Refugio Colony grant	26, 130. 19	
Grant to F. M. Vigil	106, 274. 87	
Ignacio de Roival and Jacinto Pelaez	46, 341. 48	
Grant to Antonio E. Armenta	42, 939. 21	
Town of Cevilleta	224, 770. 13	
Grant to Ignacio Chaves	243, 036. 43	
Grant to Mestas Joaquin	3, 632. 94	
Bernardo de Miera y Pacheco	148, 862. 945	
Felipe Tafoya *et al*	22, 578. 12	
Miguel Montoya	3, 253. 09	
Antonio Baca	43, 653. 03	
Montano	1, 890. 62	
Luis Jaramillo	18, 046. 59	
Baltazat Baca & Sons	12, 207. 408	
Petaca grant	186, 977. 11	
Ojo de la Cabra	4, 340. 26	
Town of Socorro	843, 259. 59	
Vallicito grant	114, 400. 54	
Anaya Almazon	45, 244. 73	
Antonio Martinez grant	67, 480. 20	
Total	4, 294, 672. 473	

In General Land-Office, to be transmitted to Congress: Una de Gato grant. Reported to be fraudulent by special agent Department of Justice and surveyor-general of New Mexico.

ARIZONA AND COLORADO.

The legislation of July 22, 1854, related to that part of New Mexico which was included within the lines defined by the treaty of Guadalupe Hidalgo until the act of August 4, 1854 (10 Stats., p. 575), which provided that, "until otherwise provided by law, the territory acquired under the late treaty with Mexico, commonly known as the Gadsden treaty, be, and the same is hereby, incorporated with the Territory of New Mexico, subject to all the laws of said last-named Territory."

Under this act the Secretary of the Interior, in his decision, dated February 17, 1872, held that the laws therein referred to were *United States laws*, including the above act of July 22, 1854, and hence that the jurisdiction of the surveyor general of New Mexico for the settlement of these claims extended over all the territory acquired by the Gadsden treaty, unless, in the words of the act of August 4, 1854, some other mode had been "provided by law." Since the date of this act the settlement of a part of these claims in the Gadsden purchase has been otherwise provided for by law.

The provisions of the eighth section of the said act of July 22, 1854, were extended to Colorado by the seventeenth section of the act of February 28, 1861 (12 Stats., p. 176).

By the act of February 24, 1863 (12 Stats., p. 664), a part of the Gadsden purchase was incorporated into the Territory of Arizona, and by the same act authority was given for the appointment of a surveyor-general for that Territory. By the subsequent act of July 15, 1870 (16 Stats., p. 304), the provisions of the eighth section of the act of July 22, 1854, were extended to Arizona, and the surveyor-general thereof was thereby clothed with as ample jurisdiction over grants therein as was vested in the surveyor-general of New Mexico over like claims in the Territory of New Mexico.

On the 9th of January and 11th of April, 1877, this officer issued instructions to the surveyors-general of Arizona and Colorado, approved by the Secretary of the Interior,

respectively on the 11th of January and 1st of May, 1877, directing those officers to proceed, in compliance with the requirements of said act of July 22, 1854, and supplemental legislation, to report to Congress the origin, nature, and extent of all private land claims within their respective districts.

List of private land claims in Arizona reported to Congress.

	Acres.
San Rafael del Valle	17,360.760
San Ignacio del Babocomori	34,722.028
San Ignacio de la Canoa	17,208.333
Tamacacori and Calabazas	52,007.950
Total	121,299.071

List of private land claims in Arizona in General Land Office to be reported to Congress.

	Acres.
San José de Sonoita	7,598.070
San Rafael de la Sanja	17,361.108
Total	24,959.178

As the law stands, there are two Territories, New Mexico and Arizona, and one State, Colorado, in which there are no provisions of law for the settlement of Spanish and Mexican titles, the protection of which is guaranteed by treaty stipulations.

See "Report with testimony of Public Land Commission, 1880," for condition of grants and recommendations.

See Reports Commissioner General Land Office, 1876, '77-'79. Title, "Private land claims."

MINERAL IN LANDS EMBRACED IN PRIVATE LAND GRANTS.

The Commissioner of the General Land Office, in his annual report for 1876, says:

The owners of the grants which have been confirmed by Congress claim all the minerals embraced within their limits, upon the ground that the unqualified confirmation by Congress, and subsequent issue of patents, operates as a quit-claim to the minerals on the part of the United States Government.

The Spanish and Mexican Governments reserved the right to the minerals unless expressly granted; therefore, if the United States patents include the minerals, they not only make good the grants made by Spain and Mexico, but convey additional rights, and there is no inducement to prospectors to make discoveries. (See report of special agent to investigate this subject in report of Public Land Commission, February, 1880, pp. 4-12; also, see "Compilation of laws, regulations, usages and conditions of Spain and Mexico, under which lands were granted and held, and missions, presidios, and pueblos established and governed," by John Wasson, U. S. surveyor-general for Arizona.)

The total estimated area of lands embraced within the limits of private land claims on the public domain, patented and unpatented, is 80,000,000 acres.

UNDER THE THIRD ARTICLE OF THE TREATY WITH GREAT BRITAIN OF JUNE 15, 1846,

there is another class of private land claims growing out of possessory rights to lands held by and under the Hudson's Bay Company and by the Puget Sound Agricultural Company, on the north side of the Columbia. The claim of the last-named company was for 160,000 acres. These claims were for lands now in Washington Territory and Oregon, and were all settled by the executive and legislative departments many years ago. (See Statutes at Large, 1858, 1860, &c.)

UNDER TREATY WITH RUSSIA—THE ALASKA PURCHASE.

Under the third article of the treaty with Russia for the purchase of Alaska March 30, 1867, the United States agreed and guarantied that the inhabitants of Alaska should be "maintained and protected in the free enjoyment of their liberty, property, and religion."

The Russian and American commissioners, authorized to make and receive transfer of the province of Alaska, at Sitka (New Archangel), October 18, 1867, signed inventories of public and private property held by individuals under grant from Russia. (For lists of these, see Ex. Doc. No. 125, second session Fortieth Congress.)

There has as yet been no legislation in reference to private land claims in Alaska.

MANNER OF SURVEY OF PRIVATE LAND CLAIMS.

Private land claims are surveyed by deputy surveyors, who enter into a contract with the surveyor-general for that purpose, which contract is approved by the Commissioner of the General Land Office.

After the contract has been approved and the necessary bond filed by the deputy, the surveyor-general issues special instructions for the survey, describing the boundaries of the claim as confirmed. These surveys are invariably of an irregular shape, and therefore do not conform to the legal subdivisions of the public surveys

CHAPTER XXXII.

EXISTING METHODS OF SALE AND DISPOSITION OF PUBLIC LANDS.

The several existing laws for the sale and disposition of the public domain permit entries and locations by individuals, associations, and corporations.

A single man, a married man, a single woman, or a married woman, if (legally) the head of a family, citizens of the United States, or have declared their intentions to become such, can have the benefits of the several settlement laws.

The theory of the settlement laws is that an individual, if he be not already the owner of 320 acres of land, can purchase 160 acres under the pre-emption act after six months' settlement, occupation, and improvement, and can acquire 160 acres under the homestead act by residence, improvement, and cultivation for a term of five years, with certain legal rebates as to time of settlement, or can purchase at the end of six months by commutation.

Under the several settlement and occupancy laws, however, a person can legally acquire 1,120 acres of the public domain.

CLASSIFICATION.

The existing laws recognize several classes of lands, as follows:

Mineral.—"In all cases 'lands valuable for minerals' shall be reserved from sale, except as otherwise expressly directed by law." (Section 2318, R. S.)

Timber and stone.—Lands valuable chiefly for timber and stone, unfit for cultivation.

Saline.—Salt springs.

Town-site lands.—Any unoccupied public lands.

Desert.—Lands which will not, without irrigation, produce an agricultural crop.

Coal lands.—Lands containing coal.

And all others as *agricultural.*

Special laws are provided for each of the seven classes named. Lands reserved or or withdrawn "are not subject to entry or location."

AGRICULTURAL LANDS.

Agricultural lands can be taken in tracts of from 40 to 160 acres under the pre-emption, homestead, and timber-culture acts, or purchased at public sale or private entry.

Of agricultural public lands there are two classes: the one class at $1.25 per acre, which is designated as *minimum*, and the other at $2.50 per acre, or *double minimum.* The latter class consists of tracts embraced within the alternate sections of land reserved to the United States in acts of Congress making grants within prescribed limits of the lines of railroads, or other works of internal improvements, to aid in the construction thereof, such reserved sections being double in price. Congress, by an act approved June 15, 1880, reduced to $1.25 per acre any lands then subject to entry (meaning, in this connection, ordinary cash entry of offered lands), which were put in market at the enhanced price prior to the 1st of January, 1861. Title may be acquired by purchase at public sale, or by ordinary "private entry," and in virtue of the pre-emption, homestead, timber-culture, and other laws.

All lands obtained under the homestead laws are exempt from liability for debts contracted prior to the issuing of patent therefor.

FEES AND COMMISSIONS.

For homestead entries on lands in Michigan, Wisconsin, Iowa, Missouri, Minnesota, Kansas, Nebraska, Dakota, Alabama, Mississippi, Louisiana, Arkansas, and Florida, commissions and fees are to be paid according to the following table:

Acres.	Price per acre.	Commissions.		Fee.	Total of fee and commissions.
		Payable when entry is made.	Payable when certificate issues.	Payable when entry is made.	
160	$2 50	$8 00	$8 00	$10 00	$26 00
80	2 50	4 00	4 00	5 00	13 00
40	2 50	2 00	2 00	5 00	9 00
160	1 25	4 00	4 00	10 00	18 00
80	1 25	2 00	2 00	5 00	9 00
40	1 25	1 00	1 00	5 00	7 00

In addition to the States and Territories above named, the same rates will apply to Ohio, Indiana, and Illinois, if any vacant tracts can be found liable to entry in these three States, where but very few isolated tracts of public land remain undisposed of.

In the Pacific and other political divisions, viz: On lands in California, Nevada, Oregon, Colorado, New Mexico, and Washington, and in Arizona, Idaho, Utah, Wyoming, and Montana, the commissions and fees are to be paid according to the following table:

Acres.	Price per acre.	Commissions.		Fee.	Total of fee and commissions.
		Payable when entry is made.	Payable when certificate issues.	Payable when entry is made.	
160	$2 50	$12 00	$12 00	$10 00	$34 00
80	2 50	6 00	6 00	5 00	17 00
40	2 50	3 09	3 00	5 00	11 00
160	1 25	6 00	6 00	10 00	22 00
80	1 25	3 00	3 00	5 00	11 00
40	1 25	1 50	1 50	5 00	8 00

PRE-EMPTION ACTS.

Under the pre-emption acts (see Chapter X, p. 214,) settlers pay a fee of $1.50 in the the Pacific division, and in all other localities $1, each, to the register and receiver of the land office upon filing declaratory statement, and at the time of final proof and entry pay an acreage of $1 25 per acre, or $2.50 per acre, as the case may be, for single or double minimum land.

MINERAL LANDS.

Mineral lands are located and sold thereafter in the manner described in Chapter XXVI.

COAL LANDS.

The public lands of the United States containing coal are disposed of under the act of Congress approved March 3, 1873.

The sale of coal lands is provided for by this act—

1. By ordinary private entry under section 1.

2. By granting a preference right of purchase based on priority of possession and improvement under section 2.

The land entered under either section must be *by legal subdivisions*, as made by the regular United States survey. Entry is confined to surveyed lands; to such as are

vacant, not otherwise appropriated, reserved by competent authority, or containing valuable minerals other than coal.

Individuals and associations may purchase. If an individual, he must be twenty-one years of age and a citizen of the United States, or have declared his intention to become such citizen.

If an association or persons, each must be qualified as above.

A person is not disqualified by the ownership of any quantity of other land, nor by having removed from his own land in the same State or Territory.

Any individual may enter by legal subdivisions as aforesaid any area not exceeding 160 acres.

Any association may enter not to exceed 320 acres.

Any association of not less than four persons, duly qualified, who shall have expended not less than $5,000 in working and improving any coal mine or mines, may enter under section 2 not exceeding 640 acres, including such mining improvements.

The price per acre is $10 where the land is situated *more* than fifteen miles from any completed railroad, and $20 per acre where the land is *within* fifteen miles of such road.

Where the land lies *partly within* fifteen miles of such road and in *part outside* such limit, the *maximum* price must be paid for all legal subdivisions the greater part of which lies within fifteen miles of such road.

The term "completed railroad" is held to mean one which is actually constructed on the face of the earth, and lands within fifteen miles of any point of a railroad so constructed will be held and disposed of at $20 per acre.

One year from and after the expiration of the period allowed for filing the declaratory statement is given within which to make proof and payment, but no party will be allowed to make final proof and payment, except on notice to all others who appear on the records as claimants to the same tracts.

SALINE LANDS.

The act of Congress of January 12, 1877, provides that where tracts are found to be saline in character, and therefore under pre-existing laws not subject to disposal, they shall be offered at public sale at not less than $1.25 per acre, and if not then sold shall be thereafter held subject to private entry at the same price, as other public lands. The act provides for an investigation to ascertain by testimony the true character of public lands, where there shall be reason to suppose that they are saline. This act is confined in its operations to States which have had grants of salines which have been fully satisfied, or under which the right of selection has expired by efflux of time. This act excepts from its operation the Territories and the States of Mississippi, Louisiana, Florida, California, and Nevada.

TOWN SITES.

There are two methods of acquiring title to town sites on the public lands. By one method, under sections 2382, 2383, 2384 and 2385 of the Revised Statutes of the United States, the area of the city or town is limited to 640 acres. The founders are to lay it off into lots. A map is to be made describing its exterior boundaries according to the lines of the public surveys, where such lines are executed, giving the name of the city or town, exhibiting the streets, squares, blocks, lots, &c., the lots not to exceed 4,200 square feet, with a statement of the extent and general character of the improvements, the map and statement to be verified under oath by the party acting for and in behalf of the persons proposing to establish the city or town. The map and statement must be filed with the recorder for the county in which the town is situated. When the town is situated in an organized land district a verified copy of such map and statement must be filed with the register and receiver. A similar copy is to be filed in the General Land Office within one month after the filing thereof in the recorder's office, as also the testimony of two witnesses that the city or town has been

established in good faith. The lots may then be offered at public sale to the highest bidder, at a minimum of $10 for each lot. Any tracts not then sold are afterwards liable to private entry at said minimum, or at such reasonable price as the Secretary of the Interior may order from time to time as the municipal property may increase or decrease, after at least three months' notice. A privilege is allowed to any actual settler upon any lot of pre-empting the same and any additional lot on which he may have substantial improvements, at the minimum price at any time before the day fixed for the public sale.

Where it is preferred, as it usually is, the sections 2387, 2388 and 2389 of the Revised Statutes of the United States grant to the inhabitants of cities and towns on the public lands the privilege of entering the lands occupied as town sites at the minimum price of $1.25 per acre, through the corporate authorities of such towns and cities, or the judges of the county courts acting as trustees for the occupants thereof. The maximum quantity liable to entry varies with the number of the inhabitants. If 100 and less than 200, the maximum is 320 acres; if more than 200 and less than 1,000, it is 640 acres; if 1,000 and over, it is 1,280 acres; and for each additional 1,000 inhabitants, not exceeding 5,000 in all, a further quantity of 320 acres is allowed to be entered.

STONE AND TIMBER LANDS.

Surveyed lands in California, Oregon, Nevada, and the Territory of Washington, not yet proclaimed and offered for sale, valuable chiefly for timber and stone, unfit for cultivation, and consequently for disposition under the pre-emption and homestead laws, may be entered under the first, second, and third sections of the act of Congress of June 3, 1878. The quantity is limited to 160 acres to any one person, and the price is fixed at $2.50 per acre. The applicant must be a citizen of the United States, or must have declared his intention to become a citizen under the naturalization laws. He must make affidavit that he is a citizen, and produce evidence of the fact; also a sworn statement designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that it is unfit for cultivation and valuable chiefly for its timber or stone; that it is uninhabited, contains no mining or other improvements except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit, and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself. The statement must be verified by the oath of the applicant before the register or receiver of the district land office.

A notice of the application, describing the land, shall be posted in the office of the register for sixty days, and shall be published by the applicant in a newspaper published nearest the location of the premises for the same period of time. At the expiration of that time, proof of the publication of the notice and of the character and condition of the land as set forth in the sworn statement must be made, after which, if no objection appear, the entry will be allowed. The character and condition of the land must be shown by the affidavits of disinterested witnesses taken before the register or receiver, or any officer using a seal and authorized to administer oaths in the land district in which the land lies. Entry will be allowed and return thereof made to the General Land Office for the issue of the patent as in case of an ordinary cash sale.

The register and receiver are entitled to a fee of $5 each for allowing an entry under said act, and jointly at the rate of 22½ cents per hundred words for testimony reduced by them to writing for claimants.

DESERT LANDS.

The desert-land law of March, 3, 1877, is confined in its operation to the States of California, Oregon, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota. Only one entry can be made by any one person, and the maximum quantity which may be embraced therein is one section or 640 acres. A person desiring to avail himself of this law must be a citizen of the United States, or must have declared his intention to become a citizen. He must first submit proof that the land is of a class which will not without irrigation produce any agricultural crop, and, if it lies along streams or about bodies of water, that it will not produce hay without irrigation. He must also file his sworn declaration setting forth his qualification under the statute, and his intention to reclaim the tract applied for by conducting water thereon within three years from date of his declaration. If foreign-born, he must produce the record evidence of his naturalization, or of his having declared his intention to apply therefor, as the case may be. The land must be described in the declaration by legal subdivisions, if surveyed, and if not surveyed, by reference to conspicuous landmarks, or the established lines of survey. Thereupon the entry may be allowed, the party paying twenty-five cents per acre, the register and receiver issuing their joint certificate, and within three years the applicant must produce satisfactory proof of having reclaimed the land applied for by conducting water thereon, after which he may perfect his entry by paying the additional sum of one dollar per acre. This proof of reclamation must consist of the testimony of at least two disinterested and credible witnesses who must appear in person before the register and receiver of the proper district land office. The proof being found satisfactory, and full payment made, the receiver issues his final receipt, and the register his final certificate, on which the patent is issued.

No assignments are recognized under the desert-land law.

PUBLIC OFFERING AND PRIVATE ENTRY.

Lands are sold at public sale after offering in the manner indicated in prior pages of this volume, but no lands can be entered at private sale unless they have first been offered at public sale. The area of lands that can be so entered is small and they lie in isolated tracts in various States and Territories, except the total area of surveyed offered public lands in the five Southern States of Alabama, Arkansas, Florida, Louisiana, and Mississippi, which can be purchased at any district land office in said States in legal subdivisions, having been duly offered under the act of Congress of June 22, 1876.

CHAPTER XXXIII.

STATES AND TERRITORIES, 1776 TO 1880.

By the terms of the Constitution of the United States any of the original thirteen States were to become States in the Union upon ratification of that instrument, and without further legislation than official information of ratification. After its adoption by the ratification of eleven States (nine only being necessary), and going into effect March 4, 1789, the two outstanding States, North Carolina and Rhode Island, upon message from the President were admitted into the Union by the seating of their Senators and Representatives in Congress, and the extension of the terms of the judiciary act over them.

NEW STATES.

Under the third section of the fourth article of the Constitution, the United States, through Congress, reserved to themselves the right to admit new States, by declaring that "New States *may* be admitted by the Congress into this Union"; and, as the fourth section of the same article requires that "The United States shall guarantee to every State in this Union a republican form of government," it has in practice been deemed a prerequisite that the people proposing to form a new State shall be authorized by law to form a constitution, to be submitted to Congress, so as enable that body to judge of its republican character, before admitting them to the rights, privileges, and immunities secured through the organization of a State government, and upon an equal footing with other States; still this has been varied in several cases hereafter noted.

The Constitution of the United States declares, that "New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress."

The Constitution also declares that "the Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Under this clause Congress exercises the power of creating Territorial governments, which in process of time, by the increase of population, apply on behalf of the people for authority to form constitutions and State governments, with a view to admission into the Union, and it is for the Congress of the United States, in the exercise of their constitutional powers, to judge of the expediency and the time of admitting them to all the privileges and immunities of States in the American Union.

AS TO THE ADMISSION OF NEW STATES.

The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of territory not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission. It is acquired to become a State, and not to be held as a colony, and governed by Congress with absolute authority, and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in a

suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion. It is a question for the political department of the Government, and not the judicial; and whatever the political department of the Government shall recognize as within the limits of the United States, the judicial department is also bound to recognize and to administer in it the laws of the United States, so far as they apply. (Supreme Court United States, in Dred Scott v. Sandford, 19, How., 393.)

The entire subject of the admission of a State into the Union from a Territorial or other condition, with a constitution and a complete State government in operation, as in the case of California, or without a constitution, as in the case of Kentucky, is wholly within the province of Congress.

TERRITORIES.

Under section 3, Article IV, of the Constitution, Congress governs the territory of the United States. Congress can acquire territory by purchase or treaty, and then can enact laws for its government.

The Supreme Court of the United States, in American Insurance Co. v. Canter (1 Peters, 511), said:

In legislating for the Territories Congress exercises the combined powers of the General and of a State government.

The right to govern the territory of the United States is the inevitable consequence of the right to acquire territory. (Dred Scott v. Sandford, 19 How., 393; American Insurance Co. v. Canter, 1 Pet., 511; U. S. v. Gratiot, 14 Pet., 526.)

Congress possesses the absolute power of governing and legislating for the Territories, and may give a Territorial court jurisdiction over a suit brought by or against a citizen of a Territory. (Sere v. Pitot, 6 Cranch., 332.)

The power to govern the Territories subject to the Constitution is in Congress. It may do it mediately or immediately, either by the creation of a Territorial government with power to legislate for the Territory, subject to such restraints and limitations as Congress may impose upon it, or by the passage of laws directly operating upon the Territory, without the intervention of a subordinate government. (Edwards v. Panama, 1 Oregon, 418.)

A Territorial government is the only mode by which the purchasers and occupants of lands beyond the limits of any State can be protected in their rights of person and property. Hence the implied power of Congress to establish such a government. (U. S. v. Railroad Bridge Co., 6 McLean, 517; U. S. v. Gratiot, 14 Pet., 526; State v. Navigation Co., 11 Mart., 309.)

The power to acquire necessarily carries with it the power to preserve and apply to the purposes for which it was acquired. It is therefore the duty of Congress to establish a government over the people in a Territory. The form of government to be established necessarily rests in the discretion of Congress. Some form of civil authority is absolutely necessary to organize and preserve civilized society and prepare it to become a State, and what is the best form must always depend on the condition of the Territory at the time, and the choice of the mode must depend upon the exercise of a discretionary power by Congress, acting within the scope of its constitutional authority. (Dred Scott v. Sandford, 19 How., 393.)

REFERENCES TO EXISTING ORGANIC ACTS.

Territories are bodies politic, and have legal status under an organic act, but no sovereignty.

Organic acts have been passed from time to time from 1785 to 1868, viz: Ohio, ordinance of 1785; Louisiana, March 3, 1805; Indiana, May 7, 1800; Mississippi, April 7, 1798; Illinois, February 3, 1809; Alabama, March 3, 1817; Missouri, June 4, 1812; Arkansaw (Arkansas), March 2, 1819; Michigan, January 11, 1805; Florida, March 30, 1822; Iowa, June 12, 1838; Wisconsin, April 20, 1836; Minnesota, March 3, 1849; Oregon, August 14, 1848; Kansas, May 30, 1854; Nevada, March 2, 1861; Nebraska, May 30, 1859; Colorado, February 28, 1861. All of the above are now States.

EXISTING TERRITORIES.

New Mexico, September 9, 1850; Utah, September 9, 1850; Washington, March 2, 1853; Dakota, March 2, 1861; Arizona, February 24, 1863; Idaho, March 3, 1863; Montana, May 26, 1864; Wyoming, July 25, 1868.

GOVERNMENT OF THE TERRITORIES.

The territory northwest of the river Ohio (the one first created) was organized by the ordinance of July 13, 1787. The form of government provided for the direct control of the Territory by officers appointed by the United States, and consisted of a governor, secretary, and three judges of the superior court. The legislative power was in the governor and the judges of the court. All their laws were subject to disapproval by Congress, and the United States paid all official salaries and the necessary expenses of government. When the Territory should have 5,000 free male inhabitants of full age they were to be entitled to a general assembly, consisting of a council and house of representatives. The members of the house were to be elected by the people. The council, consisting of 5 members, was nominated by the house, and appointed by Congress from ten names thus selected. This form of government was extended over Indiana by the act of May 7, 1800, but the feature of a council appointed by Congress was changed to one elected by the people by the act of February 27, 1809. The organic act for Mississippi, April 7, 1798, the Illinois act of 1809, the Alabama act of 1817, Missouri act of 1812, Michigan act of 1805, and Arkansaw act of 1819, were gradual enlargements of the rights and privileges of the Territories. In the Florida act of March 30, 1822, the powers were much enlarged, and this was really the first organic act. It set out and defined fully the powers and duties of a Territory and its people, with the exception of the method of appointing the members of the council, fifteen in all, to be appointed by the President of the United States. This feature was not enacted into the organic act for the Territory of Wisconsin, April 20, 1836, but the old system of an elective assembly was restored. This act was in the form of all the present organic acts, with slight alterations.

The usual method of organizing a Territory prior to the Florida act of 1822 was for Congress to describe the metes and bounds of a certain portion of the public domain and organize it into a Territory by name, re-enacting, with slight additions, an existing law relating to some other Territory, such as the ordinance of 1787, which was, in terms or effect, with slight modifications, extended over or embraced in the organic laws and acts for all of the Territories of the Union.

PRESENT FORM OF GOVERNMENT.

In each of the eight organized Territories the United States appoint and pay the governor, secretary, chief justice, and 2 associate justices, the marshal, and district attorney. In some of the Territories the judges create the judicial districts from the several counties, and the justices are assigned to hold court therein; in others the governor of the Territory performs this duty, and in some instances the matter is regulated by the legislature.

The legislature, council and house, are elected by the people. The legislative term and length of time of holding session are fixed by Congress, which pays the members and expenses of holding sessions and for printing laws. Biennial sessions are the rule under the act of March 3, 1869.

In all the Territories, except Utah, where his veto power is absolute, the governor has a veto which may be overcome by a two-thirds vote.

Citizens of the Territories vote for local officers and Delegates to Congress, but not for President and Vice-President.

The legislative power extends to all "rightful subjects of legislation"; all acts are to be approved by Congress, to whom they are reported at once after each session of the legislature. Acts stand approved until disapproved.

The Secretary of the Interior now has charge, formerly exercised by the Department of State, over the Territories.

The Territories contain counties and municipalities chartered under special laws by the legislature, or under a general act. County and city officials are elected by the people, and in some of the Territories there are Territorial officers, controllers, auditors,

or treasurers, &c., elected by the people, or appointed under laws of the legislature. Taxes are levied and paid out for the common benefit. Loans are created and bonds issued by the cities, counties, and Territories.

The courts, supreme and district, held by the United States judges, have both a United States and Territorial side, trying offenses and enforcing suits under the laws of the United States, or the codes enacted by the legislatures of the respective Territories; courts of probate and justices' courts are provided for under local laws. The court expenses, on behalf of the United States, or while sitting as United States courts, are paid by the United States. Expenses while sitting as Territorial courts are paid by the several counties in which the district courts are sitting. Appeals are granted and writs of error issued to the Supreme Court of the United States, where the amount in controversy exceeds a given sum, varying in the several Territories.

Each Territory has a Delegate in Congress, elected for two years by the people, who draws the same pay as a member of the House of Representatives and sits therein. He may (and does on the Public Lands, Mines, and Indian) serve on committees, and can speak, but cannot vote.

These Territorial governments, under an act of incorporation, are custodians on behalf of the United States of certain functions of government to be used for the benefit of persons or citizens within certain definite geographical divisions. These governments are or can be altered, abolished, reduced, or the Territory transferred by the United States at the pleasure of Congress. Territorial forms of government are replaced by the State governments, upon the entry of a Territory into the Union as a State, usually (except in four instances) retaining the name under which it was organized; the laws of the Territory governing until all functions are taken up by the State government. (See secs. 1839 to 1895, Chap. I, and 1925 to 1976, Chap. II, title The Territories, U. S. Revised Statutes.)

THE THIRTEEN ORIGINAL STATES.

The thirteen original States were admitted as follows:

1. Delaware adopted and ratified Constitution December 7, 1787.
2. Pennsylvania adopted and ratified Constitution December 12, 1787.
3. New Jersey adopted and ratified Constitution December 18, 1787.
4. Georgia adopted and ratified Constitution January 2, 1788.
5. Connecticut adopted and ratified Constitution January 9, 1788.
6. Massachusetts adopted and ratified Constitution February 6, 1788.
7. Maryland adopted and ratified Constitution April 28, 1788.
8. South Carolina adopted and ratified Constitution May 23, 1788.
9. New Hampshire adopted and ratified Constitution June 21, 1788.
10. Virginia adopted and ratified Constitution June 26, 1788.
11. New York adopted and ratified Constitution July 26, 1788.
12. North Carolina adopted and ratified Constitution November 21, 1789.
13. Rhode Island adopted and ratified Constitution May 29, 1790.

For derivation of names of the thirteen original States, see page 464.

For population and statistics see compendium Ninth and Tenth Censuses, and tables Tenth Census.

THE LEGISLATIVE STATES.

The date of organization or admission of the several legislative States are given below, with population at periods. The public-domain States are noted, together with their rapid increase of population. Many of the acts referred to under these several States contain provisions general or special relating to the public lands therein.

ADMISSION OF STATES INTO THE UNION BY CONGRESSIONAL ENACTMENT, AND ORGANIZATION OF THE PUBLIC DOMAIN INTO TERRITORIES AND STATES.

The first State admitted by Congressional enactment into the Union after the adoption of the Constitution of the United States and the organization of the government thereunder was—

VERMONT.

(From French words "verde," green, and "mont," mountain.)

Population.

Year	Population
1790	85,425
1800	154,465
1810	217,895
1820	235,966
1830	280,652
1840	291,948
1850	314,120
1860	315,098
1870	330,551
1880	332,286

Area, 9,612 square miles, or 6,151,680 acres.

No Territorial condition under laws of United States.

Act to admit approved February 18, 1791. It was formed from a part of the Territory of New York, its legislature consenting by act of March 6, 1790. (Journal Senate of the United States, February 9, 1791, and appendix to Journal House of Representatives, vol. 1, p. 412.)

See Chap. II, title "Vermont Colonization," for Vermont during colonial period.

July 2, 1777, a convention met, framed a constitution at Windsor; adjourned July 8, 1777. It was adopted by the legislature of 1779 and 1782, and became a part of the laws of the State.

July 4, 1786, Vermont, by convention, framed a second constitution, which was adopted by the legislature, and became law in March, 1787.

Application of the Commissioners of Vermont to Congress for admission into the Union was received at Philadelphia February 9, 1791, a constitution having been formed.

Vermont contains no public domain.

Entitled to two Representatives by act of Congress February 25, 1791.

An act giving effect to laws of the United States in Vermont, after March 3, 1791, approved March 2, 1791.

Admitted into the Union March 4, 1791.

KENTUCKY

(Indian—At the head of river) was the second State admitted into the Union.

Population.

Years.	White.	Colored.	Total.
1790	61,133	12,544	73,677
1800	179,873	41,082	220,955
1810	324,237	82,274	406,511
1820	434,622	129,491	564,113
1830	517,787	170,130	687,917
1840	590,253	189,575	779,828
1850	761,413	220,992	982,405
1860	919,484	236,167	1,155,684
1870	1,098,692	222,210	1,321,011
1880	....	....	1,648,708

Area, 37,680 square miles, or 24,115,200 acres.

Act to admit approved February 4, 1791. Admitted into the Union June 1, 1792.

No Territorial condition under laws of United States.

Formed from the territory of Virginia with the consent of its legislature by act of December 18, 1789 (Journal Senate of the United States, December 9, 1790; Laws of the United States; and message of President to Congress, December 8, 1790). Ten conventions were held by the people, and four enabling acts were passed by Virginia prior to admission of Kentucky. Application of the convention of Kentucky received December 9, 1790 (See Journal House of Representatives, vol. 1, p. 411, appendix). (Its constitution not then formed.) Act of Congress for its reception and admission on June 1, 1792, approved on February 4, 1791.

Entitled to two Representatives, by act of Congress February 25, 1791.

No act giving effect to the laws of the United States in Kentucky.

A copy of the constitution formed for the State of Kentucky, by a convention which met at Danville, April 2 to 19, 1792, but which was not submitted to the people for ratification, laid before Congress by the President of the United States on November 7, 1792.

Kentucky was nominally in the territory south of the river Ohio, but contained no public domain.

TENNESSEE

(Indian—River of big bend) was the third State admitted.

Population.

Years.	White.	Colored.	Total.
1790	31, 913	3, 778	35, 691
1800	91, 709	13, 893	105, 602
1810	215, 875	45, 852	261, 727
1820	339, 927	82, 844	422, 771
1830	535, 746	146, 158	681, 904
1840	640, 627	188, 583	829, 210
1850	756, 836	245, 881	1, 002, 717
1860	826, 722	283, 019	1, 109, 801
1870	936, 119	322, 331	1, 258, 520
1880	....	....	1, 542, 463

Area, 45,600 square miles, or 29,184,000 acres.

No organic act. Act to admit approved June 1, 1796; admitted into the Union same date.

Part of the territory of the United States south of the river Ohio.

Formed of territory ceded to the United States by the State of North Carolina. Once called by the inhabitants, prior to 1784, the "Watauga" government. After 1784 the people organized a government known as the State of "Frankland." The Watauga constitution was the first west of the Alleghanies.

An act for the government of the territory of the United States south of the river Ohio was approved May 26, 1790. See also act of May 8, 1792. The people of that territory formed a convention, which met at Knoxville January 11, 1796, adopted a constitution on February 6, 1796, and applied for admission (see Journal of the House of Representatives April 8, and Senate Journal April 11, 1796, and folio State Papers, "Miscellaneous," vol. 1, pp. 146-7, 150); upon which "an act for the admission of the State of Tennessee into the Union" was passed and approved June 1, 1796, by which the laws of the United States were extended to that State, and it was allowed one Representative in Congress.

The said laws were again extended to the State of Tennessee by an act approved January 31, 1797, and by an act approved February 19, 1799. This last act divided the State into eastern and western districts.

The entire area of Tennessee was public domain, but the United States gave the

same to the State, after deducting the lands necessary to fill the obligations in the deed of cession of North Carolina. (See Chapter III, title "Reservations in cessions by States.")

OHIO

(Indian—Beautiful) was the fourth State admitted.

Population.

Years.	White.	Colored.	Total.
1800	45, 028	337	45, 365
1810	228, 861	1, 899	230, 760
1820	576, 572	4, 723	581, 295
1830	928, 329	9, 574	937, 903
1840	1, 502, 122	17, 345	1, 519, 467
1850	1, 955, 050	25, 279	1, 980, 329
1860	2, 302, 808	36, 673	2, 339, 511
1870	2, 601, 946	63, 213	2, 665, 260
1880	....	....	3, 197, 794

Area, 39,964 square miles, or 25,576,960 acres.

No Territorial condition as Ohio Territory. Act to admit April 30, 1802. Admitted November 29, 1802.

Under ordinance of 1787, territory northwest of the river Ohio ceded by Virginia.

Formed out of a part of the territory northwest of the river Ohio and part of Michigan Territory. An act to provide for the government of the territory northwest of the river Ohio was approved on July 13, 1787. This territory was divided into two separate governments by act of Congress of May 7, 1800.

For the entire history of the territory out of which this State and the States of Indiana, Illinois, Michigan, and Wisconsin, were formed, and its immediate connection with the formation of our "more perfect union," see chapter V.

The census of the territory, and petitions from the people thereof, referred to committee of the House of Representatives. (See Journal January 29, 1802. See report March 4, 1802, folio State Papers, Miscellaneous," vol. 1, p. 325.)

The State of Ohio.

An act to enable the people of the eastern division of said territory to form a constitution and State government was passed and approved April 30, 1802, by which that State was allowed one Representative in Congress. A constitution was accordingly formed by a convention which met at Chillicothe November 1 to 29, 1802, and presented to Congress. (See Journal Senate January 7, 1803.) This was not submitted to the people.

The said people having, on November 29, 1802, complied with the act of Congress of April 30, 1802, whereby the said State became one of the United States, an act was passed and approved on February 19, 1803, for the due execution of the laws of the United States within that State.

An act in addition to, and in modification of, the propositions contained in the act of April 30, 1802, was passed and approved on March 3, 1803.

All of the area of Ohio, except the Western Reserve and other reservations, was public domain, and was surveyed and disposed of under laws of the United States.

By act of July 31, 1876, the land-offices in Ohio, Indiana, and Illinois were abolished; and by act of March 3, 1877, the vacant tracts of public land in Ohio, Indiana, and Illinois were made subject to entry and location at the General Land Office, Washington, D. C. (See Regulations of General Land Office.)

LOUISIANA

(after Louis XIV. of France) was the fifth State admitted.

Population.

Years.	White.	Colored.	Total.
1810	34, 311	42, 245	76, 556
1820	73, 383	79, 540	152, 923
1830	89, 441	126, 298	215, 739
1840	158, 457	193, 954	352, 411
1850	255, 491	262, 271	517, 762
1860	357, 456	350, 373	708, 002
1870	362, 065	364, 210	726, 915
1880	....	....	940, 103

Area, 41,346 square miles, or 26,461,440 acres.

A Territorial condition. Act organizing, March 3, 1805. Admitted April 30, 1812.

Formed out of part of the territory ceded to the United States by France.

The Territory of Louisiana.

On October 31, 1803, an act to enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris on the 30th of April last, and for the temporary government thereof, was passed and approved.

Louisiana was erected into two Territories by act of Congress, approved March 26, 1804; one called the Territory of Orleans, and the other called the District of Louisiana, which became the State of Missouri.

The Territory of Orleans.

An act further providing for the government of the Orleans Territory was approved March 2, 1805, which authorized the people to form a constitution and State government when their number should amount to 60,000.

A memorial of the legislature of the Territory of Orleans, on behalf of the inhabitants (see folio State Papers, "Miscellaneous," vol. 2, p. 51) was presented in Senate United States. (See Journal, March 12, 1810.)

An act to enable the people of the Territory of Orleans to form a constitution and State government, &c., by which that State was allowed one Representative until the next census, was passed and approved February 20, 1811.

The State of Louisiana formed from the Territory of Orleans.

The people having, on January 22, 1812, formed a constitution (which was framed by a convention which met at New Orleans, November, 1811, and adjourned June 22, 1812) and State government, and given the State the name of Louisiana, in pursuance of the said act, an act for the admission of the State of Louisiana into the Union, and to extend the laws of the United States to the said State, was passed and approved April 8, 1812.

On May 22, 1812, an act supplemental to the act of April 8, 1812, was approved.

Excepting certain grants made by former sovereigns and other owners of the soil, all of the State of Louisiana was public domain, and was and is surveyed and disposed of by the United States.

INDIANA

(from Indian) was the sixth State admitted.

Population.

Years.	White.	Colored.	Total.
1800	5,343	298	5,641
1810	23,890	630	24,520
1820	145,758	1,420	147,178
1830	339,399	3,632	343,031
1840	678,698	7,168	685,866
1850	977,154	11,262	988,416
1860	1,338,710	11,428	1,350,428
1870	1,655,837	24,560	1,680,637
1880	....	....	1,978,362

Area, 33,809 square miles, or 21,637,760 acres.

A Territorial condition. Act organizing, May 7, 1800. Admitted December 11, 1816. Formed out of a part of the Northwestern Territory. (See "Ohio.")

The Indiana Territory.

The Territory established by act of May 7, 1800.

The Territory divided into two separate governments, and that of Michigan created by act of January 11, 1805.

The Territory again divided into two separate governments, and that of Illinois created by act of February 3, 1809.

The legislature of the Territory, on behalf of the people, applied to be enabled to form a constitution, &c. (See Journal of House of Representatives, December 28, 1815, and January 5, 1816; also folio State Papers, "Miscellaneous," vol. 2, p. 277.)

The State of Indiana.

An act to enable the people of the Indiana Territory to form a constitution and State government, &c., by which that State was allowed one Representative, was passed April 19, 1816.

The said people having, on June 29, 1816 (through a convention at Corydon), formed a constitution, &c., a joint resolution for admitting the State of Indiana into the Union was passed and approved December 11, 1816.

The laws of the United States extended to the State of Indiana, by act of March 3, 1817.

All of the area of Indiana was public domain, except certain grants made by foreign sovereigns, former owners of the soil, and was surveyed and disposed of under laws of the United States. (See note under "Ohio," as to law placing the remainder of the public domain in Indiana under the General Land Office, directly in charge of the Commissioner, through whom entries must be made.)

MISSISSIPPI

(Indian—Great long river) was the seventh State admitted.

Population.

Years.	White.	Colored.	Total.
1800	5,179	3,671	8,850
1810	23,024	17,328	40,352
1820	42,176	33,272	75,448
1830	70,443	66,178	136,621
1840	179,074	196,577	375,651
1850	295,718	310,808	606,526
1860	353,899	437,404	791,305
1870	382,896	444,201	827,922
1880	....	....	1,131,592

Area, 47,156 square miles, or 30,179,840 acres.

A Territorial condition. Act organizing, April 7, 1798. Admitted December 10, 1817.

Portion of the State once in the Territory south of the river Ohio. Part of the British province of West Florida.

Formed out of a part of the territory ceded to the United States by the State of South Carolina, and out of territory ceded by the State of Georgia and France.

The Mississippi Territory.

The government of the Territory established by act of Congress of April 7, 1798.

Limits settled and government established by act of Congress of May 10, 1800.

Territory on the north added to the Mississippi Territory, by act of Congress of March 27, 1804.

The boundaries enlarged on the south, by act of Congress of May 14, 1812.

A joint resolution of Congress "requesting the State of Georgia to assent to the formation of two States from the Mississippi Territory" was passed and approved June 17, 1812, and the Territory of Alabama was formed from Mississippi.

A motion was made in House of Representatives of the United States to inquire into the expediency of admitting Mississippi into the Union, December 28, 1810. Reported on by committee, January 9, 1811. (See folio State Papers, "Miscellaneous," vol. 2, p. 129.)

A petition from the inhabitants of Mississippi, that it be made a State, &c., presented in House of Representatives, November 13, 1811. Reported on by committee of House of Representatives, December 17, 1811. (See same book, p. 163.)

Bill passed House of Representatives. Report adverse in Senate, April 17, 1812, and bill postponed. (See same book, p. 182.)

A memorial presented in House of Representatives, January 21, 1815. Reported on February 23, 1815. (See same book, p. 274.)

A memorial presented in House of Representatives, December 6, 1815. Reported on December 29, 1815. (See same book, p. 276.)

A memorial presented in House of Representatives, December 9, 1816. Reported on December 23, 1816. (See same book, p. 407.) Reported on January 17, 1817. (See same book, p. 416.)

The State of Mississippi.

An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, &c., was passed and approved on March 1, 1817, by which the State was to have one Representative until the next census.

The said people having (through a convention which met at the town of Washington, July 7 to August 15, 1817) formed a constitution, and which was ratified by the people at a special election, a joint resolution for the admission of the State of Mississippi into the Union was passed and approved December 10, 1817.

On April 3, 1818, an act to provide for the due execution of the laws of the United States within the State of Mississippi was approved.

All of the area of the State of Mississippi was public domain and was surveyed, and was and is now disposed of by the United States.

ILLINOIS

(Indian, "Illini," men, and French, "ois," tribe of men) was the eighth State admitted.

Population.

Years.	White.	Colored.	Total.
1810	11,501	781	12,282
1820	53,788	1,374	55,162
1830	155,061	2,384	157,445
1840	472,254	3,929	476,183
1850	846,034	5,436	851,470
1860	1,704,291	7,628	1,711,951
1870	2,511,096	28,762	2,539,891
1880	....	....	3,078,769

Area, 55,410 square miles, or 35,462,400 acres.

A Territorial condition. Act organizing, February 3, 1809. Admitted December 3, 1818.

Formed out of a part of the Northwestern Territory. (For proclamation of General Gage, respecting the country of Illinois, made December 30, 1764, see Bioren and Duane's edit. Laws, vol. 1, p. 506.)

Illinois Territory.

An act for dividing the Indiana Territory into two separate governments, and organizing the Illinois Territory, was passed and approved February 3, 1809.

An act to amend the act of April 16, 1814, extending the western boundary of Illinois to the middle of the Mississippi, to include the islands between the middle and eastern margin of that river, was passed and approved February 27, 1815.

A memorial of the legislative council, to be allowed to form a State government, &c., presented in House of Representatives, January 16, 1818.

The State of Illinois.

An act to enable the people of the Illinois Territory to form a constitution and State government, and authorizing one Representative in Congress, &c., was passed and approved April 18, 1818. By this act a part of the Territory of Illinois was attached to the Territory of Michigan.

The people having, on August 26, 1818 (through a convention at Kaskaskia), formed a constitution, &c., a joint resolution declaring the admission of the State of Illinois into the Union was passed and approved December 3, 1818.

An act to provide for the due execution of the laws of the United States within the State of Illinois was passed and approved March 3, 1819.

The entire area of Illinois, excepting certain grants made by foreign sovereigns prior to 1783, was public domain, and was surveyed, and was and is disposed of by the United States. (See note under Ohio in relation to entries of public domain in Illinois through the Commissioner of the General Land Office.)

ALABAMA

(Indian—Here we rest) was the ninth State admitted.

Population.

Years.	White.	Colored.	Total.
1820	85,451	42,450	127,901
1830	190,406	119,121	309,527
1840	335,185	255,571	590,756
1850	426,514	345,109	771,623
1860	526,271	437,710	964,201
1870	521,384	475,510	996,992
1880	....	....	1,262,794

Area, 50,722 square miles, or 32,462,080 acres.

A Territorial condition. Act organizing, March 3, 1817. Admitted December 14, 1819.

Part of the British province of West Florida, and part of the Territory south of the River Ohio. Formed out of a part of the territory ceded to the United States by France and by the States of South Carolina and Georgia.

Alabama Territory.

The eastern part of Mississippi territory made a separate territory, and called "Alabama," by act of Congress approved March 3, 1817.

A petition of the legislative council of Alabama on behalf of the people, praying to be allowed to form a constitution, &c., was presented in the House of Representatives December 7, 1818.

The State of Alabama.

An act to enable the people of the Alabama Territory to form a constitution and State government, &c., authorizing one Representative in Congress, was passed and approved March 2, 1819.

The people having, on August 2, 1819, through a convention which met at Huntsville, formed a constitution, &c., a joint resolution declaring the admission of the State of Alabama into the Union was passed and approved December 14, 1819.

The laws of the United States were extended to the State of Alabama by act of April 21, 1820, establishing a district court, &c.

All of the area of the State of Alabama was public domain, was surveyed, and was and is now disposed of under the laws of the United States.

MAINE

(Mænus) was the tenth State admitted.

Population.

Years.	White.	Colored.	Total.
1790	96,002	538	96,540
1800	150,901	818	151,719
1810	227,736	969	228,705
1820	297,340	929	298,269
1830	398,263	1,192	399,455
1840	500,438	1,135	501,793
1850	581,813	1,356	583,169
1860	626,947	1,327	628,279
1870	624,809	1,606	626,915
1880	....	....	648,945

Area, 35,000 square miles, or 22,400,000 acres.

No organic act. No Territorial condition under laws of United States. Act to admit, March 3, 1820. Admitted March, 15, 1820.

Formed out of a part of the territory of Massachusetts (see Chapter II, "Maine"), and from territory ceded to United States by Great Britain by the definitive treaty of September 4, 1783.

The legislature of Massachusetts, June 19, 1819, submitted the question of separation to the people of Maine, who, on July 19, 1819, voted 17,091 votes for, to 7,132 votes against a separate and independent State. A convention met at Portland October 11, 1819, to form a constitution. Adjourned from October 29 to January 5, 1820, to receive the results of the special election upon the adoption or rejection of the constitution, which received 9,040 votes for to 796 against. The illegal or unseasonable vote was 985 votes for to 77 against.

A petition of a convention on behalf of the people of the district of Maine, praying to be permitted to form a separate State, was presented in the House of Representatives of the United States December 8, 1819.

Cession of Maine by Massachusetts, approved by the governor February 25, 1820.

An act for the admission of the State of Maine into the Union was passed and approved March 3, 1820, in the following words:

Whereas, by an act of the State of Massachusetts, passed on the 19th day of June, in the year 1819, entitled "An act relating to the separation of the district of Maine from Massachusetts proper, and forming the same into a separate and independent State," the people of that part of Massachusetts heretofore known as the district of Maine, did, with the consent of the legislature of said State of Massachusetts, form

themselves into an independent State, and did establish a constitution for the government of the same, agreeably to the provisions of the said act; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 15th day of March, in the year 1820, the State of Maine is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

On the 7th of April, 1820, the following act was passed and approved:

AN ACT for apportioning the Representatives in the seventeenth Congress, to be elected in the State of Massachusetts and Maine, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the election of Representatives in the seventeenth Congress, the State of Massachusetts shall be entitled to choose thirteen Representatives only; and the State of Maine shall be entitled to choose seven Representatives, according to the consent of the legislature of said State of Massachusetts, for this purpose given, by their resolve passed on the 25th day of January last, and prior to the admission of the State of Maine into the Union.

SEC. 2. *And be it further enacted,* That, if the seat of any of the Representatives in the present Congress, who were elected in and under the authority of the State of Massachusetts, and who are now inhabitants of the State of Maine, shall be vacated by death, resignation, or otherwise, such vacancy shall be supplied by a successor who shall, at the time of his election, be an inhabitant of the State of Maine.

The United States held no public lands in Maine.

MISSOURI

(Indian—Muddy) was the eleventh State admitted.

Population.

Years.	White.	Colored.	Total.
1810	17, 227	3, 618	20, 845
1820	55, 988	10, 569	66, 557
1830	114, 795	25, 660	140, 455
1840	323, 888	59, 814	383, 702
1850	592, 004	90, 040	682, 044
1860	1, 063, 489	118, 503	1, 182, 012
1870	1, 603, 146	118, 071	1, 721, 295
1880	....	....	2, 168, 804

Area 65,350 square miles, or 41,824,000 acres.

A Territorial condition. Act organizing, June 4, 1812. Admitted August 10, 1821.

Formed out of part of the territory ceded by France.

The District of Louisiana.

Missouri was created under the name of the District of Louisiana by the "Act erecting Louisiana into two Territories, and providing for the temporary government thereof," which was approved March 26, 1804. By this act the government of this District was placed under the direction of the governor and judges of the Indiana Territory.

On the 3d of March, 1805, an act further providing for the government of the District of Louisiana was approved.

The Territory of Louisiana.

By this act a separate government was formed under the title of the Territory of Louisiana.

Missouri Territory.

An act providing for the government of the Territory of Missouri was passed and approved June 4, 1812, by which it was provided "That the Territory heretofore called Louisiana shall hereafter be called Missouri," &c.

An act to alter certain parts of the act providing for the government of the Territory of Missouri was passed and approved April 29, 1816.

An act establishing a separate Territorial government in the southern part of the Territory of Missouri, to be called Arkansas Territory, was passed the 2d March, 1819.

A memorial of the legislative council and house of representatives of the Territory of Missouri, in the name and on behalf of the people, for admission into the Union as a State, was presented in the Senate on December 29, 1819.

The State of Missouri.

An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories, was passed March 6, 1820.

The people having, on July 19, 1820, through a convention which met at Saint Louis June 12 to July 19, 1820, and whose act was confirmed by the people at the ensuing election, formed a constitution in pursuance of said act, the same was laid before Congress on November 16, 1820. Mr. Lowndes, from the committee to which it was referred, made a report to the House of Representatives November 23, 1820, accompanied by a "Resolution declaring the admission of the State of Missouri into the Union." (See folio State Papers, "Miscellaneous," vol. 2, p. 625.)

The Senate passed a joint "Resolution declaring the admission of the State of Missouri into the Union," on December 12, 1820, which was referred to a select committee in the House of Representatives, and on February 10, 1821, Mr. Clay made a report. (See folio State Papers as above, p. 655.) The House rejected the resolution of the Senate on February 14, 1821. On February 22, on motion of Mr. Clay, a committee on the part of the House was appointed to join a committee on the part of the Senate on the subject of the admission of Missouri.

On February 26, Mr. Clay, from the joint committee, reported a "Resolution providing for the admission of the State of Missouri into the Union on a certain condition," which resolution was passed and approved March 2, 1821. The said condition was accepted by the legislature of Missouri by "A solemn public act, declaring the assent of this State" to "the fundamental condition" contained in a resolution passed by the Congress of the United States providing for the admission of the State of Missouri into the Union on a certain condition, which was approved by the governor on June 26, 1821.

On August 10, 1821, the President of the United States issued his proclamation declaring the admission of Missouri complete according to law.

On March 16, 1822, an act to provide for the due execution of the laws of the United States within the State of Missouri, &c., was passed and approved.

The entire area of Missouri, excepting certain grants made by foreign sovereigns, former owners of the soil, was public domain and was surveyed, and was and now is disposed of under laws of the United States.

ARKANSAS

(*Arc*, a bow—prefixed to Kansas) was the twelfth State admitted.

Population.

Years.	White.	Colored.	Total.
1820	12, 579	1, 676	14, 255
1830	25, 671	4, 717	30, 388
1840	77, 174	20, 400	97, 574
1850	162, 189	47, 708	209, 897
1860	324, 143	111, 259	435, 450
1870	362, 115	122, 169	484, 471
1880	....	....	802, 564

Area 52,198 square miles, or 33,406,720 acres.

A Territorial organization. Act organizing, March 2, 1819. Admitted June 15, 1836.

Formed out of part of the territory ceded to the United States by France.

The Arkansaw Territory.

An act establishing a separate Territorial government in the southern part of the Territory of Missouri was passed March 2, 1819, by which it was named Arkansaw.

Arkansas Territory.

An act relative to the Arkansas Territory, declaring that the act of June 4, 1812, for the government of Missouri, as modified by the act of April 29, 1816, should be in force in Arkansas, was passed April 21, 1820.

An act to fix the western boundary line of the Territory of Arkansas, and for other purposes, was passed May 26, 1824.

An act to run and mark a line dividing Arkansas from Louisiana was passed and approved May 19, 1828.

A memorial of the inhabitants, by a convention which met at Little Rock January 4 to 30, 1836, praying that Arkansas might be admitted into the Union, accompanied by a constitution formed by said convention, was presented in the House of Representatives on March 1, 1836. (See printed documents, House of Representatives, 1st session, 24th Congress, vol. 4, Nos. 133, 144–'5.) The proceedings of said convention were also communicated to the House of Representatives through the President of the United States on March 10, 1836. (See said printed documents, vol. 4, No. 164.)

The State of Arkansas.

"An act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes," was passed June 15, 1836, containing the following preamble, viz:

Whereas the people of the Territory of Arkansas did, on the 30th day of January, in the present year, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government, which constitution and State government, so formed, is republican: And whereas, the number of inhabitants within the said Territory exceeds forty-seven thousand seven hundred persons, computed according to the rule prescribed by the Constitution of the United States; and the said convention have, in their behalf, asked the Congress of the United States to admit the said Territory into the Union as a State, on an equal footing with the original States.

By this act Arkansas was allowed one Representative until the next census, and the laws of the United States were extended over the same.

On June 23, 1836, an act supplemental to the foregoing act was passed and approved.

All of the area of the State of Arkansas was public domain, and was surveyed and was and now is disposed of under the laws of the United States.

MICHIGAN

(Indian—A weir for fish) was the thirteenth State admitted.

Population.

Years.	White.	Colored.	Total.
1810	4, 618	144	4, 762
1820	8, 591	174	8, 765
1830	31, 346	293	31, 639
1840	211, 560	707	212, 267
1850	395, 071	2, 583	397, 654
1860	736, 142	6, 799	749, 113
1870	1, 167, 282	11, 849	1, 184, 059
1880	....	....	1, 636, 331

Area, 56,451 square miles, or 36,128,640 acres.

A Territorial condition. Act organizing, January 11, 1805. Admitted January 26, 1837.

Formed out of part of the "Territory northwest of the river Ohio."

The Territory of Michigan.

An act to divide the Indiana Territory into two separate governments, and establishing that of the territory of Michigan, was passed and approved January 11, 1805.

An act to authorize the President of the United States to ascertain and designate certain boundaries, was passed and approved May 20, 1812, by which the boundary between Ohio and Michigan was directed to be ascertained and marked.

By the act of April 18, 1818, to enable the people of Illinois to form a constitution and State government, &c., a part of that territory was attached to the Territory of Michigan.

An act to amend the ordinance and acts of Congress for the government of the Territory of Michigan, and for other purposes, was passed and approved March 3, 1823.

An act in addition to the above act, passed and approved February 5, 1825.

An act to provide for the taking of certain observations preparatory to the adjustment of the northern boundary line of the State of Ohio was passed and approved July 14, 1832.

A memorial of the legislative council, praying that Michigan be admitted into the Union, was presented in the Senate January 25, 1833. (See Senate documents second session Twenty-second Congress, vol. 1, No. 54.) A bill for that object was reported in the House of Representatives on February 26, 1833.

A memorial for admission was presented in the House of Representatives December 11, 1833, and in the Senate February 28, 1834. (See documents House of Representatives, first session Twenty-third Congress, vol. 3, No. 168, vol. 4, Nos. 245, 302.)

A report was made by a select committee of the House of Representatives on the subject of boundary, &c., on March 11, 1834. (See reports of committees of House of Representatives, first session Twenty-third Congress, vol 3, No. 334.) This report was accompanied by a bill to provide for taking a census or enumeration of the inhabitants of the eastern division of the Territory of Michigan, and of the Territory of Arkansas.

And on April 12, 1834, the same committee reported a bill establishing the Territorial government of Huron.

An act to attach the territory of the United States west of the Mississippi River, and north of the State of Missouri, to the Territory of Michigan, was passed and approved June 28, 1834.

A memorial was presented in the Senate December 23, and House of Representatives December 29, 1834, for the erection of "Wisconsin" into a separate government. (See documents House Representative, second session Twenty-third Congress, vol. 2, Nos. 34, 47.)

Resolutions of the legislative council of Michigan, relative to boundary with Ohio, presented in House of Representatives January 3, 1835. (See said vol. 2, No. 53.)

A memorial of legislative council of Michigan, relative to southern boundary thereof, presented in the House of Representatives March 2, 1835. (See said documents, vol. 5, No. 183.)

Two maps prepared under resolution House of Representatives of June 11, 1834. (See said documents, vol. 5, No. 199.)

The constitution of Michigan was framed by a convention, called by the legislative council of the Territory, which met at Detroit May 11 to June 29, 1835. It was ratified by the people November 2, 1835, and transmitted to Congress by the President December 10, 1835. (See below.)

Two messages to Congress by the President of the United States, with documents relating to the boundaries and the admission of Michigan into the Union, were received on December 10, 1835. (See Senate documents, first session Twenty-fourth Congress, vol. 1. Nos. 5 and 6.)

A message from the President to Congress with documents and map relating to the boundary between Ohio and Michigan was received January 12, 1836. (See Senate documents as above, vol. 2, No. 51.)

A report was made by a committee of the Senate on the subject of the boundary line, accompanied by a map, on March 1, 1836. (See Senate documents as above, vol. 3, No. 211.)

A report was made by a committee of the House of Representatives, on March 2, 1836, on the subject of admission, boundary, &c. (communicating a large collection of documents relating to the entire subject). (See reports of committees, House of Representatives, first session Twenty-fourth Congress, vol. 2, No. 380.)

The State of Michigan.

"An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed," was passed June 15, 1836. By this act Michigan was authorized to send one Representative to Congress until the next census. An act supplementary to the said act was passed June 23, 1836.

An act to provide for the due execution of the laws of the United States within the State of Michigan was passed July 1, 1836.

An act to admit the State of Michigan into the Union upon an equal footing with the original States was passed January 26, 1837, containing the following preamble, viz:

Whereas, in pursuance of the act of Congress of June 15, 1836, entitled "An act to establish the northern boundary of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed," a convention of delegates, elected by the people of the said State of Michigan, for the sole purpose of giving their assent to the boundaries of the said State of Michigan as described, declared, and established in and by the said act, did, on December 15, 1836, assent to the provisions of said act; therefore,

Be it enacted, &c., That the State of Michigan shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

An act to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin was passed and approved June 12, 1838.

All of the area of Michigan was public domain, excepting certain grants made by foreign sovereigns, former owners of the soil, and was and now is surveyed and disposed of under laws of the United States.

FLORIDA

(after Easter Sunday; Spanish, Pescua—Florida) was the fourteenth State admitted.

Population.

Years.	White.	Colored.	Total.
1830	18, 385	16, 345	34, 730
1840	27, 943	26, 534	54, 477
1850	47, 203	40, 242	87, 445
1860	77, 746	62, 677	140, 424
1870	96, 057	91, 689	187, 748
1880	....	....	267, 351

Area, 59,268 square miles, or 37,931,520 acres.

A territorial organization. Organic act, March 30, 1822; admitted March 3, 1845.

Formed out of the territory ceded by Spain to the United States.

The treaty of cession and boundaries.

The boundaries of East and West Florida, in the hands of the British Government October 7, 1763. (See vol. 1, Laws United States, Bioren and Duane's edition, p. 444.)

The boundaries of West Florida, as changed by the British Government June 6, 1764. (See same volume, p. 450.)

A resolution and several acts of Congress were passed to enable the President of the United States to take possession of the Floridas under certain contingencies at the following dates, viz:

A resolution January 15, 1811. (Laws United States, Bioren and Duane's edition, vol. 6, p. 592.)

An act January 15, 1811. (Same vol., p. 592.)

An act March 3, 1811. (Same vol., p. 593.)

An act February 12, 1813. (Same vol., p. 593.)

An act to authorize the President of the United States to take possession of East and West Florida and establish a temporary government therein was passed March 3, 1819.

An act for carrying into execution the treaty between the United States and Spain, concluded at Washington on February 22, 1819, was passed March 3, 1821.

Ratification of the treaty and exchange of ratification February 22, 1821. (Laws United States, Bioren and Duane's edition, vol. 6, p. 631.)

Copies of grants of lands annulled by said treaty. (Same vol., p. 632–637.)

Articles of surrender of East Florida to the United States on July 10, 1821. (Same vol., p. 638.)

Article of surrender of West Florida to the United States on July 17, 1821. (Same vol., p. 639.)

Proclamation of General Jackson, as governor, assuming authority over the said Territories in the name of the United States, July 17, 1821. (Same vol., p. 641.)

The Territory of Florida.

An act for the establishment of a Territorial government in Florida was passed March 30, 1822.

An act to amend "An act for the establishment of a Territorial government in Florida, and for other purposes," was passed March 3, 1823. By this act East and West Florida were constituted one Territory.

An act to amend the act of March 3, 1823, was passed and approved May 26, 1824.

An act to authorize the President of the United States to run and mark a line dividing the Territory of Florida from the State of Georgia was passed and approved May 4, 1826.

An act to amend the several acts for the establishment of the Territorial government in Florida approved May 15, 1826.

An act relating to the Territorial government of Florida approved April 28, 1828.

An act to ascertain and mark a line between the State of Alabama and the Territory of Florida and the northern boundary of the State of Illinois, and for other purposes, was passed March 2, 1831.

A convention to form a constitution met in pursuance of an act of the governor and council of Florida of date February 2, 1838, at the city of Saint Joseph December 3, 1838, and adopted a constitution.

A memorial of the people of Florida, proceedings of a convention, constitution, &c., presented to House of Representatives February 20, 1839. (See documents House of Representatives, third session Twenty-fifth Congress, vol. 4, No. 208.)

A memorial of the inhabitants of Saint Augustine, in Florida, that a law be passed to organize a separate Territorial government for that part of Florida east of the Suwanee River, was presented in Senate January 10, 1840. (See Senate Documents, first session Twenty-sixth Congress, vol. 3, No. 67.)

A memorial of the people of Florida, praying admission into the Union, was presented in Senate February 12, 1840.

A bill to authorize the people of Middle and West Florida to form a constitution and State government, and to provide for the admission of said State into the Union, was reported in House of Representatives March 5, 1840.

Resolutions by the senate of Florida, adverse to the division of that Territory, were presented in the Senate of the United States on March 6, 1840.

Resolutions of the legislature of Florida, for admission and against division, were presented in Senate of United States March 11, and in House of Representatives March 16, 1840.

A bill for the admission of Florida into the Union on certain conditions, and a bill for the division of Florida and the future admission of the States of East and West Florida, on certain conditions, were reported in Senate July 2, 1840.

The memorial for admission and the constitution again presented in House of Representatives May 9, 1842. (See documents House of Representatives, second session Twenty-seventh Congress, vol. 4, No. 206.)

Memorials of citizens of Florida for the admission of that Territory into the Union presented in the Senate July 15 and 21, August 10, 13, 15, 17, and 30, 1842.

Resolutions of the legislative council of Florida for a division of that Territory and the formation of two Territorial governments were presented to Congress March 26, 1844.

On June 17, 1844, the following resolution was reported in the Senate: *Resolved*, That the prayer of the memorialists ought not to be granted.

On same day a report adverse to a division of the Territory was made. (See reports of committee, House of Representatives, first session Twenty-eighth Congress, vol. 3, p. 557.)

Resolutions of the legislative council for dividing the Territory again presented in House of Representatives December 30, 1844.

The State of Florida.

A bill for the admission of the States of Iowa and Florida into the Union was reported January 7, 1845.

Resolutions of the legislative council of Florida for the admission of Florida at the same time with Iowa were presented in House of Representatives February 11, 1845. (See documents House of Representatives, second session Twenty-eighth Congress, vol. 3, No. 111.)

An act for the admission of the States of Iowa and Florida into the Union was passed on March 3, 1845, contained the following preamble, viz:

Whereas the people of the Territory of Iowa did, on the seventh day of October, 1844, by a convention of delegates called and assembled for that purpose, form for

themselves a constitution and State government; and whereas the people of the Territory of Florida did, in like manner, by their delegates on the 11th day of January, 1839, form for themselves a constitution and State government, both of which said constitutions are republican; and said conventions having asked the admission of their respective Territories into the Union as States, on equal footing with the original States:

Be it enacted, &c., That the States of Iowa and Florida be, and the same are hereby, declared to be States of the United States of America, and are hereby admitted into the Union on equal footing with the original States, in all respects whatsoever, &c.

SEC. 5. *And be it further enacted*, That the said State of Florida shall embrace the Territories of East and West Florida which, by treaty of amity, settlement, and limits, between the United States and Spain, on the 22d day of February, 1819, were ceded to the United States.

One Representative in Congress was allowed to Florida until the next census.

An act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes, was passed March 3, 1845.

By this act grants of land were made to Florida, and the laws of the United States were extended to that State.

Resolutions of the legislature of Florida, in relation to the disputed boundaries between that State and Georgia and Alabama, were presented in the Senate February 2, 1846. (See Senate documents, first session Twenty-ninth Congress, vol. 4, Nos. 96 and 133.)

On March 4, 1846, a bill respecting the settlement of the boundary line between the State of Florida and the State of Georgia was reported from the committee.

All of the area of Florida was public domain, except certain grants made by foreign sovereigns, former owners of the soil, and was and now is surveyed and disposed of under laws of the United States.

TEXAS

(Indian—Friends) was the fifteenth State in order of admission.

Population.

Years.	White.	Colored.	Total.
1850	154, 034	58, 558	212, 592
1860	420, 891	182, 921	604, 215
1870	564, 700	253, 475	818, 579
1880	....	....	1, 592, 574

Area, 274,356 square miles, or 175,587,840 acres.

No organic act. No Territorial condition under laws of United States.

Annexed (former Republic of Texas), December 29, 1845, and admitted on that date.

A republic, formerly belonging to the Republic of Mexico and a portion of the Mexican States of Coahuila and Texas, admitted into the Union by joint resolutions and act of Congress.

The joint resolution for annexing Texas to the United States, approved March 1, 1845, was as follows:

JOINT RESOLUTION for annexing Texas to the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress doth consent that the territory properly included within and rightfully belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

SEC. 2. *And be it further resolved*, That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

First. Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments: and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

Second. Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct, but in no event are said debts and liabilities to become a charge upon the Government of the United States.

Third. New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery, or involuntary servitude (except for crime), shall be prohibited.

SEC. 3. *And be it further resolved*, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States, for admission, to negotiate with that republic; then,

Be it resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the Governments of Texas and the United States: That the sum of one hundred thousand dollars be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two houses of Congress, as the President may direct.

The joint resolution for the admission of the State of Texas into the Union, was approved December 29, 1845.

JOINT RESOLUTION for the admission of the State of Texas into the Union.

Whereas the Congress of the United States, by a joint resolution approved March the first, eighteen hundred and forty-five, did consent that the territory properly included within and rightfully belonging to the Republic of Texas might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing government, did adopt a constitution, and erect a new State, with a republican form of government, and, in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guarantees contained in said first and second sections of said resolution; and whereas the said constitution, and the proper evidence of its adoption by the people of the Republic of Texas, have been transmitted to the President of the United States, and laid before Congress, in conformity to the provisions of said joint resolution: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

SEC. 2. *And be it further enacted*, That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two Representatives.

An act to extend the laws of the United States over the State of Texas, and for other purposes, was approved December 29, 1845, viz:

AN ACT to extend the laws of the United States over the State of Texas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the laws of the United States are hereby declared to extend to and over, and to have full force and effect within, the State of Texas, admitted at the present session of Congress into the confederacy and Union of the United States.

The United States owned no public lands in Texas. The State retained title to the soil on her admission to the Union, and has since disposed of them under her own laws.

IOWA

(Franco-Indian—"Drowsy," applied to a tribe of Indians) was the sixteenth State admitted.

Population.

Years.	White.	Colored.	Total.
1840	42,924	188	43,112
1850	191,881	333	192,214
1860	673,779	1,069	674,913
1870	1,188,207	5,762	1,194,020
1880	....	....	1,624,620

Area, 55,045 square miles, or 35,228,800 acres.

A Territorial organization. Organic act, June 12, 1838. Admitted December 28, 1846.

Formed from territory purchased from France.

On December 19, 1836, a resolution directing the Committee on Territories to inquire into the expediency of establishing the Iowa Territory out of part of Wisconsin passed the House of Representatives.

On December 14, 1837, a resolution of same tenor passed House of Representatives.

On December 13 and 20, 1837, memorials of the people of Iowa for a division or separation from Wisconsin were presented in the Senate.

On December 14, 1837, same presented in House of Representatives.

On December 13, 1837, a memorial of the people of Iowa for settlement of boundary with Missouri was presented in the Senate.

On January 2, 1838, proceedings of legislature of Wisconsin relative to boundary line between Iowa and Missouri were presented in the Senate. (See Senate documents, second session Twenty-fifth Congress, vol. 1, No. 63.)

On February 6, 1838, a report was made by committee of House of Representatives on expediency of establishing a separate Territorial government for Iowa, accompanied by a bill.

The Territory of Iowa.

On June 12, 1838, an act to divide the Territory of Wisconsin and to establish the Territorial government of Iowa was approved.

On June 18, 1838, an act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked was approved.

On January 30, 1839, a report of the Secretary of State, with maps, made in compliance with resolutions of the Senate and House of Representatives, in relation to the southern boundary of the Territory of Iowa, were received. (See documents, House of Representatives, third session Twenty-fifth Congress, vol. 4, No. 128.)

On March 3, 1839, an appropriation was made for the survey of the southern boundary of the Territory of Iowa, of $969.05.

On March 3, 1839, an act to define and establish the eastern boundary line of the Territory of Iowa was approved.

On March 3, 1839, an act to alter and amend the organic law of the Territories of Wisconsin and Iowa was approved.

On December 24, 1839, a message from the President, with documents relating to the disputed boundary between Missouri and Iowa, was received in the Senate, and in the House of Representatives on December 27. (See Senate documents, first session Twenty-sixth Congress, vol. 1, No. 4. House of Representatives, vol. 1, No. 5.)

On December 30, 1839, additional documents on same subject communicated to House of Representatives, and to the Senate on January 3, 1840. (See Senate documents, first session Twenty-sixth Congress, vol. 2, No. 35. House of Representatives, vol. 2, No. 36.)

On January 9, 1840, additional documents on same subject communicated to the Senate.

On January 31, 1840, additional documents on same subject were communicated to the Senate, in compliance with two resolutions of the Senate of December 30, 1839. (See Senate documents, first session Twenty-sixth Congress, vol. 4, No. 138.)

On January 8, 1840, a memorial of the legislative council of Iowa, praying the settlement of the disputed boundary with Missouri, was presented in Senate. (See Senate documents, first session Twenty-sixth Congress, vol. 2, No. 53.)

On January 9, 1840, a document relating to the same subject presented in Senate by Mr. Benton.

On January 10, 1840, a representation by Delegate from Iowa, on same subject, presented in Senate.

On February 4, 1840, report made in House of Representatives, by a committee, on boundary between Missouri and Iowa, with a bill to establish and define the northern boundary line of the State of Missouri. (See reports of committees of House of Representatives, first session Twenty-sixth Congress, vol. 1, No. 2.)

On February 12, 1840, a message from the President, with additional documents, relating to disputed boundary between Missouri and Iowa. (See documents, House of Representatives, first session Twenty-sixth Congress, vol. 3, No. 97.)

On March 5, 1840, a bill, reported by the Committee on Territories of the House of Representatives, "to enable the people of Iowa to form a constitution and State government, and for the admission of such State into the Union."

On February 11, 1841, a bill for ascertaining and settling the southern boundary line of the Territory of Iowa reported in Senate.

On March 9, 1841, a resolution of legislative council of Iowa, relative to southern boundary line of said Territory, was presented in House of Representatives.

On March 19, 1841, a message from the President, relative to boundary line between Missouri and Iowa, received in House of Representatives. (See documents, House of Representatives, second session Twenty-seventh Congress, vol. 3, No. 141.)

On May 26, 1841, the Committee on Territories of the House of Representatives made a report, with a bill fixing the boundary line between Missouri and Iowa, which passed the House of Representatives only. (For report, see reports, House of Representatives, second session Twenty-seventh Congress, vol. 4, No. 791.)

On January 21, 1843, a report made in House of Representatives, from Committee on Territories, accompanied by a bill fixing the boundary between Missouri and Iowa. (For report, see reports committees, House of Representatives, third session Twenty-seventh Congress, vol. 1, No. 86.)

On December 31, 1842, a resolution that report of Albert M. Lea, in reference to the northern boundary of Missouri; the report of Captain Guion and Lieutenant Frémont, in reference to the Des Moines River, and the evidence in reference to the northern boundary of Missouri, be referred and printed, was passed. (See documents, House of Representatives, third session Twenty-seventh Congress, vol. 3, No. 38.)

On December 22, 1843, an act of the legislature of Missouri, respecting the boundary

line with Iowa Territory, was presented in House of Representatives. (See documents, House of Representatives, first session Twenty-eighth Congress, vol. 1, No. 26.)

On February 12, 1844, a message from the President, with a memorial from the legislative assembly of Iowa for admission into the Union, was received in Senate.

On April 2, 1844, the Committee on Territories of House of Representatives reported a bill to enable the people of Iowa to form a constitution and State government, and for the admission of such State into the Union.

On December 9, 1844, a memorial of a convention, with a copy of constitution adopted for the people of Iowa, asking admission into the Union, was received in Senate, and on December 12 in House of Representatives. (See Senate documents, second session Twenty-eighth Congress, vol. 1, No. 3, and documents House of Representatives, vol. 1, No. 5, and vol. 3, No. 77.)

On January 7, 1845, a bill for the admission of the States of Iowa and Florida into the Union was reported in the House of Representatives.

On February 19, 1845, a memorial of the general assembly of Missouri, praying that the southern boundary line of Iowa be made to conform to the northern boundary line of Missouri, &c., was presented in Senate. (See Senate documents, second session Twenty-eighth Congress, vol. 7, No. 110.)

On June 17, 1844, an act respecting the northern boundary of the State of Missouri was approved.

The State of Iowa.

On March 3, 1845, an act for the admission of the States of Iowa and Florida into the Union was passed and approved. To this act the assent of the people of Iowa was to be given, to be announced by proclamation by the President, and the State then admitted without further proceedings on the part of Congress. The State to be entitled to one Representative in Congress until the next census.

The boundaries of Iowa as fixed by this act were not agreed to by the people, who refused their consent, by a vote of 7,235 for and 7,656 against them. This vote was provided for in the act.

On March 3, 1845, an act supplemental to the act for the admission of the States of Iowa and Florida into the Union was approved. This act extended the laws of the United States to the State of Iowa.

On December 19, 1845, a bill to define the boundaries of the State of Iowa and to repeal so much of the act of March 3, 1845, as relates to the boundaries of said State, was introduced, on leave, in House of Representatives, and referred to a Committee on Territories.

On March 27, 1846, an amendatory bill reported by said committee.

On January 9, 1846, a joint resolution of the legislative council of the Territory of Iowa, relative to boundaries of the future State of Iowa, was presented in House of Representatives.

On February 5, 1846, a memorial of a convention of the people of Missouri on subject of the northern boundary of that State and the admission of Iowa into the Union was presented in House of Representatives. (See documents, House of Representatives, first session Twenty-ninth Congress, vol. 4, No. 104.)

On February 17, 1846, a memorial of the legislature of the Territory of Iowa relative to boundary between Iowa and Missouri was presented in House of Representaives. (See same documents, vol. 4, No. 126.)

On June 10, in Senate, and July 6, 1846, in House of Representatives, copies of the constitution of Iowa were presented. (See documents, House of Representatives, first session Twenty-ninth Congress, vol. 7, No. 217, and documents of Senate, vol. 8, No. 384.)

On August 4, 1846, an act to define the boundaries of the State of Iowa and to repeal so much of the act of March 3, 1845, as relates to boundaries of Iowa, was approved. This act was to amend the boundaries of the State as defined in the act of March 3, 1845, which had been rejected by a vote of the people.

On December 15, 1846, a copy of the constitution adopted by the people of Iowa, with a proclamation of the governor, &c., were presented in House of Representatives. (See documents, House of Representatives, second session Twenty-ninth Congress, vol. 2, No. 16.)

On December 28, 1846, an act for the admission of the State of Iowa into the Union was approved.

All of the State of Iowa was public domain, and was surveyed and was and now is disposed of under laws of the United States.

WISCONSIN

(Indian—Wild rushing channel) was the seventeenth State admitted.

Population.

Years.	White.	Colored.	Total.
1840	30,749	196	30,945
1850	304,756	635	305,391
1860	773,693	1,171	775,881
1870	1,051,351	2,113	1,054,670
1880	....	....	1,315,480

Area 53,924 square miles, or 34,511,360 acres.

A Territorial organization. Organic act, April 20, 1836. Admitted May 29, 1848.

Formed from territory ceded to the United States and from part of the territory northwest of the river Ohio.

On December 12, 1832, a resolution passed in House of Representatives directing a committee to inquire into the expediency of creating a Territorial government for Wisconsin out of part of Michigan.

On December 6, 1832, the committee made a report accompanied by a bill. (See reports of committees House of Representatives, first session Twenty-second Congress, vol. 1, No. 145.)

A memorial of the legislative council of Michigan for the division of that Territory, and that the Territory of Wisconsin be established, was presented in Senate of the United States December 23, 1834. (See Senate documents, second session Twenty-third Congress, vol. 2, No. 24.)

On February 11, 1836, a bill establishing the Territorial government of Wisconsin reported in House of Representatives.

On March 1, 1836, a memorial of legislative council of Michigan for same presented in House of Representatives. (See documents House of Representatives, first session Twenty-fourth Congress, vol. 4, No. 153.)

The Territory of Wisconsin.

On April 20, 1836, an act establishing the Territorial government of Wisconsin was passed and approved.

On March 5, 1838, a resolution directing a committee to inquire into the expediency of authorizing the Territory of Wisconsin to take a census and adopt a constitution, preparatory to being admitted into the Union, was passed.

On May 11, 1838, the said committee reported a bill to enable the people of East Wisconsin to form a constitution and State government, and for the admission of such State into the Union.

On June 12, 1838, an act to divide the Territory of Wisconsin, and to establish the Territorial government of Iowa, was approved.

On June 12, 1838, an act to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin, was approved.

On January 28, 1839, a memorial of the legislative assembly of Wisconsin, praying an alteration in the southern boundary of that Territory, was presented in the Senate. (See Senate documents, third session Twenty-fifth Congress, vol. 3, No. 149.)

On March 3, 1839, an act to alter and amend the organic law of the Territories of Wisconsin and Iowa was approved.

On May 25, 1840, the proceedings of a public meeting at Galena in relation to the southern boundary of Wisconsin Territory, was presented in the House of Representatives. (See documents House of Representatives, first session Twenty-sixth Congress, vol. 6, No. 226. For "An ordinance for the government of the territory of the United States, northwest of the River Ohio," passed by the Congress of the Confederation, July 13, 1787, see the same under the head "Ohio.")

On February 3, 1841, a message was received in Senate from the President, communicating the reports, maps, &c., relating to boundary line between Michigan and Wisconsin. (See Senate documents, second session Twenty-six Congress, vol. 4, No. 151.)

On February 8, 1841, a memorial of the legislative assembly of Wisconsin, that a law defining the western boundary line of said Territory be passed, was presented in Senate. (See Senate documents as above, vol. 4, No. 171.)

On February 15, 1841, resolutions of the general assembly of Michigan in relation to the boundary line between that State and the Territory of Wisconsin, were presented in the Senate. (See Senate documents, second session Twenty-sixth Congress, vol. 4, No. 186.)

On March 19, 1841, resolutions of the legislative assembly of Wisconsin Territory in relation to the boundary between Michigan and Wisconsin, were presented in House of Representatives. (See documents House of Representatives, second session Twenty-seventh Congress, vol. 3, No. 147.)

On March 20, 1845, a resolution of the legislative council of Wisconsin asking that provision be made for taking a census and holding a convention to form a State constitution, was presented in the Senate.

On January 13, 1846, a bill to enable the people of Wisconsin to form a constitution and State government, was introduced on leave in House of Representatives.

The State of Wisconsin.

On August 6, 1846, an act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union, was approved. To be entitled to two Representatives until the next census, and the laws of the United States extended to the same when admitted.

A constitution was formed under this act, which was rejected by the people of the State.

On January 21, 1847, the constitution adopted by the people of Wisconsin, the census, and other documents were presented in House of Representatives. (See documents House of Representatives, second session Twenty-ninth Congress, vol. 3, No. 49.)

On March 3, 1847, an act for the admission of the State of Wisconsin into the Union was approved. To be admitted on condition that the constitution adopted on December 16, 1846, shall be assented to by the qualified electors of the State, and as soon as such assent shall be given, the President of the United States shall announce the same by proclamation, and therefrom the admission of Wisconsin shall be considered as complete. This act was rendered null by the refusal of the people of the State to accept the constitution of 1846.

A new constitutional convention was called, which met at Madison December 15, 1847, and on February 1, 1848, adjourned after forming a constitution. It was ratified by the people by a vote of 16,442 for to 6,149 votes against it.

By act 29th May, 1848, the State of Wisconsin was admitted into the Union. Entitled to three Representatives in Congress after 3d March, 1849.

All of the area of Wisconsin was public domain and was and is surveyed and disposed of under the laws of the United States.

CALIFORNIA

(supposed to be Arabic—Khalafa, to succeed) was the eighteenth State admitted.

Population.

Years.	White.	Colored.	Chinese.	Total.
1850	91,635	926	....	92,597
1860	323,177	4,086	34,933	379,994
1870	499,424	4,272	49,277	560,247
1880	....	....	....	864,686

Area, 157,801 square miles, or 100,992,640 acres.

No organic act. No Territorial organization under laws of United States. Admitted September 9, 1850.

Governed by the United States military until December 20, 1849, when the government was transferred to the State government, by General Riley, military governor.

Formed from territory acquired from Mexico by treaty of Guadalupe Hidalgo, 1848.

Bill (S. 324) reported in Senate by Hon. John M. Clayton from select committee "to establish the Territorial governments of Oregon, California, and New Mexico," July 18, 1848. (Senate Journal, first session Thirtieth Congress, pp. 477, 490, 492, 495, 498.)

Passed Senate July 26, 1848. Laid on the table House of Representatives, July 28, 1848.

Bill (S. 350) introduced by Hon. Stephen A. Douglas, "for the admission of California into the Union as a State," December 11, 1848, and referred. Reported from committee and not again taken up.

Bill (H. R. 685) reported in House of Representatives by Hon. Caleb B. Smith, "to establish the Territorial government of Upper California," December 20, 1848, passed February 27, 1849. In Senate referred February 28; committee discharged March 3, 1849, and Senate refused to consider the bill.

The "Bill (H. R. 692) making appropriations for the civil and diplomatic expenses of the government for the year ending the 30th June, 1850, and for other purposes," being under consideration in the Senate, the Hon. Isaac P. Walker, of Wisconsin, on February 21, 1849, submitted an amendment for the regulation and government of all the territory acquired from the Mexican Republic by the treaty of February 2, 1848. (See Senate Journal, second session Thirtieth Congress, pp. 241, 255, 257, 262, 264, 277.)

Agreed to in Senate February 28, 1849. The House of Representatives agreed to said amendment with an amendment. The Senate disagreed to said amendment of the House of Representatives, and receded from said amendment submitted by Mr. Walker, March 3, 1849. (For proceedings of House of Representatives on this amendment, see Journal House of Representatives, second session Thirtieth Congress, pp. 600, 601, 637-647, 670.)

Constitutional convention of California and organization of State.

A convention to frame a constitution for California called by General Benet Riley, military governor, met in Monterey, Cal., September 1 to October 13, 1849. The constitution then adopted was ratified by the people November 13, 1849, by a vote of 12,061 for to 811 against. State officers were elected and a government organized, to which General Riley, December 20, 1849, turned over complete control of the Territory of California. This was nearly a year before the admission of the State.

The "Bill (S. 55) to provide for the organization of the Territorial governments of California, Deseret, and New Mexico, and to enable the people of Jacinto, with the consent of the State of Texas, to form a constitution and State government, and for the admission of such State into the Union upon an equal footing with the original States in all respects whatever," was introduced, on leave, by Hon. Henry S. Foote,

January 16, and on January 22, 1850, referred to the Committee on Territories. Not reported.

Resolutions submitted by Hon. Henry Clay, relative to California, &c., January 29, 1850. (See Senate Journal, 1850, pp. 118, 299.)

Resolutions submitted by Hon. John Bell, relative to California, &c., February 28, 1850. (See Senate Journal, 1850, pp. 184, 299.)

Resolutions submitted by Hon. Thomas H. Benton, relative to California, &c., April 18, 1850. (See Senate Journal, 1850, pp. 293, 299.)

"A bill (S. 225) to admit California as a State into the Union, to establish Territorial governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries," together with a special report from the select committee, was submitted by Hon. Henry Clay, May 8, 1850. (See Senate Journal, first session Thirty-first Congress, 1850, pp. 327, 374, 379, 382, 392, 396, 405, 408, 410, 414, 428, 449, 455, 460, 462, 468, 471, 474, 479, 485, 491, 494.)

Amendment of Mr. Pearce, 495 (518); passed Senate as amended, August 1, 1850, being reduced to "An act to establish a Territorial government for Utah."

"A bill (S. 169) for the admission of the State of California into the Union," was reported by Hon. Stephen A. Douglas from Committee on Territories, March 25, 1850 (see Senate Journal, first session Thirty-first Congress, 1850, pp. 234, 292, 301, 517, 520, 522, 530, 533, 546, 553, 557), which bill passed the Senate August 14, 1850. Considered in the House of Representatives (see Journal, first session Thirty-first Congress, 1850, pp. 1415 to 1424) and passed September 7, and became a law September 9, 1850.

The act of September 28, 1856, provided "that all the laws of the United States which are not locally inapplicable shall have the same force and effect within said State of California, as elsewhere within the United States."

All of the area of California became public domain, except certain grants made by sovereigns and governments, former owners of the soil, and was and is surveyed and disposed of under laws of the United States.

MINNESOTA

(Indian—Cloudy water) was the nineteenth State admitted.

Population.

Years.	White.	Colored.	Total.
1850	6,038	39	6,077
1860	169,395	259	172,023
1870	438,257	759	439,706
1880	....	....	780,806

Area, 83,531 square miles, or 53,459,840 acres.

A territorial organization. Organic act, March 3, 1849; admitted May 11, 1858.

Formed out of part of territory ceded to the United States by France and from the territory northwest of the river Ohio.

A bill (H. R. 568) "establishing the Territorial government of Minnesota," was passed by the House of Representatives February 17, and laid upon the table in the Senate March 3, 1847.

A bill (S. 152) "to establish the Territorial government of Minnesota," was introduced on leave by Hon. Stephen A. Douglas, February 23, 1848. Reported and recommitted, and, on August 8, 1848, reported with amendments. Not further acted on at first session Thirtieth Congress.

The Territory of Minnesota.

Resumed December 20, 1848, second session Thirtieth Congress; passed the Senate January 19, 1849; passed House of Representatives with amendments February 28, and became a law March 3, 1849.

The State of Minnesota.

A bill (H. R. 642) "to authorize the people of the Territory of Minnesota to form a constitution and State government, preparatory to their admission into the Union on an equal footing with the original States," was introduced, on leave, in the House of Representatives by Hon. Henry H. Sibley, December 30, 1850, and passed that House January 31, 1851. In Senate, referred to Committee on Territories, February 2; reported February 18; passed the Senate February 25, and became a law February 26, 1857.

The constitution for Minnesota under this law was framed by two separate conventions; each met July 13 to August 29, 1857, and mutually agreed to submit the same constitution to the people. It was ratified by 36,240 votes for to 700 against. In 1858, prior to the admission of the State, the legislature passed certain amendments, which were ratified by the people.

A bill (S. 86) "for the admission of the State of Minnesota into the Union," was, on January 26, 1858, reported in Senate by Hon. Stephen A. Douglas from Committee on Territories; passed the Senate April 7, 1858, passed the House of Representatives May 11, and became a law May 11, 1858.

All of the area of Minnesota was public domain, and was and is surveyed and disposed of under the laws of the United States.

OREGON

(Spanish—Oregano) was the twentieth State admitted.

Population.

Year.	White.	Colored.	Chinese.	Total.
1850	13,087	207	....	13,294
1860	52,160	128	....	52,465
1870	86,929	346	3,330	90,923
1880	....	....	....	174,767

Area, 95,274 square miles, or 60,975,360 acres.

A Territorial organization. Organic act, August 14, 1848; admitted February 14, 1859.

Formed from territory ceded by France.

A bill (H. R. 533) "to establish a Territorial government in Oregon" was reported by Hon. Stephen A. Douglas, House of Representatives, August 6, 1846, passed that House same day. In Senate referred August 7; reported August 8, 1846, with special report, but not further acted on.

A bill (S. 41) "to organize a Territorial government in the Oregon Territory, and for other purposes," was introduced on leave in Senate by Hon. Sidney Breese, December 23, 1846, and referred to Committee on the Judiciary, but not reported therefrom.

A bill (H. R. 571) "to establish the Territorial government of Oregon" was reported by Hon. Stephen A. Douglas, House of Representatives, December 23, 1846; passed that House January 16, 1847. In Senate referred to Committee on Judiciary, January 18; reported with amendments January 25; recommitted January 29; reported with amendments February 10; ordered, That it lie on the table, March 3, 1847.

A bill (S. 59) "to establish the Territorial government of Oregon" was introduced on leave in the Senate by Hon. Stephen A. Douglas, on January 10, 1848, and after consideration by the Senate until July 13, 1848, was, on motion of Hon. John M. Clayton, referred to a select committee. On July 18, Mr. Clayton from said committee reported it without amendment, and reported bill (S. 324) "to establish the Territo-

rial governments of Oregon, California and New Mexico," which bill passed the Senate July 26, 1848, and was laid on the table in the House of Representatives July 28, 1848. Not further acted upon.

The Territory of Oregon.

A bill (H. R. 201) "to establish the Territorial government of Oregon" was reported from Committee on Territories, House of Representatives, February 8, 1848, by Hon. Caleb B. Smith; passed the House of Representatives August 2; passed the Senate with amendments August 10, 1848, and became a law on the 14th August, 1848.

A bill (H. R. 260) "to amend an act entitled "An act to establish the Territorial government of Oregon,' approved August 14, 1848," was reported in the House of Representatives by Hon. Wm. A. Richardson from Committee on Territories on 17th May, 1852; passed that House June 22, 1852; passed the Senate January 3, 1853, and became a law January 7, 1853.

A constitution was framed by a convention held under the laws of the Territory, which met at Salem, August 17 to September 18, 1857. It was submitted to the people and ratified November 9, 1857, by a vote of 7,195 for to 3,145 against. The State was admitted under this constitution.

The State of Oregon.

A bill (S. 239) "for the admission of Oregon into the Union" was, on the 5th April, 1858, reported in Senate by Hon. Stephen A. Douglas from Committee on Territories; passed the Senate May 18, 1858; passed the House of Representatives February 12, 1859, and became a law February 14, 1859.

All of the area of Oregon became public domain except grants made by former owners of the soil; and was and now is surveyed and disposed of under the laws of the United States.

KANSAS

(Indian—Smoky water) was the twenty-first State admitted.

Population.

Years.	White.	Colored.	Total.
1860	106,390	627	107,206
1870	346,377	17,108	364,399
1880	....	....	995,966

Area, 80,891 square miles, or 51,770,240 acres.

A Territorial organization. Organic act, May 30, 1854; admitted January 29, 1861.

Formed partly from territory included in the cession by France, and partly from that ceded by the State of Texas.

A bill (S. 22) "to organize the Territory of Nebraska" was introduced on leave in Senate by Hon. Augustus C. Dodge, on the 15th December, 1853, and passed the Senate March 3, 1854, under the title "An act to organize the Territories of Nebraska and Kansas." Not further acted upon.

The Territory of Kansas, Topeka constitution.

A bill (H. R. 236) "to organize the Territories of Nebraska and Kansas" was, on the 31st January, 1854, reported in the House of Representatives by Hon. Wm. A. Richardson from Committee on Territories; passed that House May 22, passed the Senate May 25, and became a law May 30, 1854. A constitution was adopted by a convention at Topeka October 23 to November 2, 1855. It was claimed that it was submitted to the people of the Territory, and ratified December 15, 1855, by a vote of 1,731 for to 46 against it.

SEC. 2. *And be it further resolved*, That the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

First. Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

Second. Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy-yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defence belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said Republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct, but in no event are said debts and liabilities to become a charge upon the Government of the United States.

Third. New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery, or involuntary servitude (except for crime), shall be prohibited.

SEC. 3. *And be it further resolved*, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States, for admission, to negotiate with that republic; then,

Be it resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two Representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission, and the cession of the remaining Texan territory to the United States, shall be agreed upon by the Governments of Texas and the United States: That the sum of one hundred thousand dollars be, and the same is hereby, appropriated to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate, or by articles to be submitted to the two houses of Congress, as the President may direct.

The joint resolution for the admission of the State of Texas into the Union, was approved December 29, 1845.

JOINT RESOLUTION for the admission of the State of Texas into the Union.

Whereas the Congress of the United States, by a joint resolution approved March the first, eighteen hundred and forty-five, did consent that the territory properly included within and rightfully belonging to the Republic of Texas might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution; and whereas the people of the said Republic of Texas, by deputies in convention assembled, with the consent of the existing government, did adopt a constitution, and erect a new State, with a republican form of government, and, in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guarantees contained in said first and second sections of said resolution; and whereas the said constitution, and the proper evidence of its adoption by the people of the Republic of Texas, have been transmitted to the President of the United States, and laid before Congress, in conformity to the provisions of said joint resolution: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

SEC. 2. *And be it further enacted*, That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two Representatives.

An act to extend the laws of the United States over the State of Texas, and for other purposes, was approved December 29, 1845, viz:

AN ACT to extend the laws of the United States over the State of Texas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the laws of the United States are hereby declared to extend to and over, and to have full force and effect within, the State of Texas, admitted at the present session of Congress into the confederacy and Union of the United States.

The United States owned no public lands in Texas. The State retained title to the soil on her admission to the Union, and has since disposed of them under her own laws.

IOWA

(Franco-Indian—"Drowsy," applied to a tribe of Indians) was the sixteenth State admitted.

Population.

Years.	White.	Colored.	Total.
1840	42,924	188	43,112
1850	191,881	333	192,214
1860	673,779	1,069	674,913
1870	1,188,207	5,762	1,194,020
1880			1,624,620

Area, 55,045 square miles, or 35,228,800 acres.

A Territorial organization. Organic act, June 12, 1838. Admitted December 28, 1846.

Formed from territory purchased from France.

On December 19, 1836, a resolution directing the Committee on Territories to inquire into the expediency of establishing the Iowa Territory out of part of Wisconsin passed the House of Representatives.

On December 14, 1837, a resolution of same tenor passed House of Representatives.

On December 13 and 20, 1837, memorials of the people of Iowa for a division or separation from Wisconsin were presented in the Senate.

On December 14, 1837, same presented in House of Representatives.

On December 13, 1837, a memorial of the people of Iowa for settlement of boundary with Missouri was presented in the Senate.

On January 2, 1838, proceedings of legislature of Wisconsin relative to boundary line between Iowa and Missouri were presented in the Senate. (See Senate documents, second session Twenty-fifth Congress, vol. 1, No. 63.)

On February 6, 1838, a report was made by committee of House of Representatives on expediency of establishing a separate Territorial government for Iowa, accompanied by a bill.

The Territory of Iowa.

On June 12, 1838, an act to divide the Territory of Wisconsin and to establish the Territorial government of Iowa was approved.

On June 18, 1838, an act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked was approved.

On January 30, 1839, a report of the Secretary of State, with maps, made in compliance with resolutions of the Senate and House of Representatives, in relation to the southern boundary of the Territory of Iowa, were received. (See documents, House of Representatives, third session Twenty-fifth Congress, vol. 4, No. 128.)

On March 3, 1839, an appropriation was made for the survey of the southern boundary of the Territory of Iowa, of $969.05.

On March 3, 1839, an act to define and establish the eastern boundary line of the Territory of Iowa was approved.

On March 3, 1839, an act to alter and amend the organic law of the Territories of Wisconsin and Iowa was approved.

On December 24, 1839, a message from the President, with documents relating to the disputed boundary between Missouri and Iowa, was received in the Senate, and in the House of Representatives on December 27. (See Senate documents, first session Twenty-sixth Congress, vol. 1, No. 4. House of Representatives, vol. 1, No. 5.)

On December 30, 1839, additional documents on same subject communicated to House of Representatives, and to the Senate on January 3, 1840. (See Senate documents, first session Twenty-sixth Congress, vol. 2, No. 35. House of Representatives, vol. 2, No. 36.)

On January 9, 1840, additional documents on same subject communicated to the Senate.

On January 31, 1840, additional documents on same subject were communicated to the Senate, in compliance with two resolutions of the Senate of December 30, 1839. (See Senate documents, first session Twenty-sixth Congress, vol. 4, No. 138.)

On January 8, 1840, a memorial of the legislative council of Iowa, praying the settlement of the disputed boundary with Missouri, was presented in Senate. (See Senate documents, first session Twenty-sixth Congress, vol. 2, No. 53.)

On January 9, 1840, a document relating to the same subject presented in Senate by Mr. Benton.

On January 10, 1840, a representation by Delegate from Iowa, on same subject, presented in Senate.

On February 4, 1840, report made in House of Representatives, by a committee, on boundary between Missouri and Iowa, with a bill to establish and define the northern boundary line of the State of Missouri. (See reports of committees of House of Representatives, first session Twenty-sixth Congress, vol. 1, No. 2.)

On February 12, 1840, a message from the President, with additional documents, relating to disputed boundary between Missouri and Iowa. (See documents, House of Representatives, first session Twenty-sixth Congress, vol. 3, No. 97.)

On March 5, 1840, a bill, reported by the Committee on Territories of the House of Representatives, "to enable the people of Iowa to form a constitution and State government, and for the admission of such State into the Union."

On February 11, 1841, a bill for ascertaining and settling the southern boundary line of the Territory of Iowa reported in Senate.

On March 9, 1841, a resolution of legislative council of Iowa, relative to southern boundary line of said Territory, was presented in House of Representatives.

On March 19, 1841, a message from the President, relative to boundary line between Missouri and Iowa, received in House of Representatives. (See documents, House of Representatives, second session Twenty-seventh Congress, vol. 3, No. 141.)

On May 26, 1841, the Committee on Territories of the House of Representatives made a report, with a bill fixing the boundary line between Missouri and Iowa, which passed the House of Representatives only. (For report, see reports, House of Representatives, second session Twenty-seventh Congress, vol. 4, No. 791.)

On January 21, 1843, a report made in House of Representatives, from Committee on Territories, accompanied by a bill fixing the boundary between Missouri and Iowa. (For report, see reports committees, House of Representatives, third session Twenty-seventh Congress, vol. 1, No. 86.)

On December 31, 1842, a resolution that report of Albert M. Lea, in reference to the northern boundary of Missouri; the report of Captain Guion and Lieutenant Frémont, in reference to the Des Moines River, and the evidence in reference to the northern boundary of Missouri, be referred and printed, was passed. (See documents, House of Representatives, third session Twenty-seventh Congress, vol. 3, No. 38.)

On December 22, 1843, an act of the legislature of Missouri, respecting the boundary

line with Iowa Territory, was presented in House of Representatives. (See documents, House of Representatives, first session Twenty-eighth Congress, vol. 1, No. 26.)

On February 12, 1844, a message from the President, with a memorial from the legislative assembly of Iowa for admission into the Union, was received in Senate.

On April 2, 1844, the Committee on Territories of House of Representatives reported a bill to enable the people of Iowa to form a constitution and State government, and for the admission of such State into the Union.

On December 9, 1844, a memorial of a convention, with a copy of constitution adopted for the people of Iowa, asking admission into the Union, was received in Senate, and on December 12 in House of Representatives. (See Senate documents, second session Twenty-eighth Congress, vol. 1, No. 3, and documents House of Representatives, vol. 1, No. 5, and vol. 3, No. 77.)

On January 7, 1845, a bill for the admission of the States of Iowa and Florida into the Union was reported in the House of Representatives.

On February 19, 1845, a memorial of the general assembly of Missouri, praying that the southern boundary line of Iowa be made to conform to the northern boundary line of Missouri, &c., was presented in Senate. (See Senate documents, second session Twenty-eighth Congress, vol. 7, No. 110.)

On June 17, 1844, an act respecting the northern boundary of the State of Missouri was approved.

The State of Iowa.

On March 3, 1845, an act for the admission of the States of Iowa and Florida into the Union was passed and approved. To this act the assent of the people of Iowa was to be given, to be announced by proclamation by the President, and the State then admitted without further proceedings on the part of Congress. The State to be entitled to one Representative in Congress until the next census.

The boundaries of Iowa as fixed by this act were not agreed to by the people, who refused their consent, by a vote of 7,235 for and 7,656 against them. This vote was provided for in the act.

On March 3, 1845, an act supplemental to the act for the admission of the States of Iowa and Florida into the Union was approved. This act extended the laws of the United States to the State of Iowa.

On December 19, 1845, a bill to define the boundaries of the State of Iowa and to repeal so much of the act of March 3, 1845, as relates to the boundaries of said State, was introduced, on leave, in House of Representatives, and referred to a Committee on Territories.

On March 27, 1846, an amendatory bill reported by said committee.

On January 9, 1846, a joint resolution of the legislative council of the Territory of Iowa, relative to boundaries of the future State of Iowa, was presented in House of Representatives.

On February 5, 1846, a memorial of a convention of the people of Missouri on subject of the northern boundary of that State and the admission of Iowa into the Union was presented in House of Representatives. (See documents, House of Representatives, first session Twenty-ninth Congress, vol. 4, No. 104.)

On February 17, 1846, a memorial of the legislature of the Territory of Iowa relative to boundary between Iowa and Missouri was presented in House of Representaives. (See same documents, vol. 4, No. 126.)

On June 10, in Senate, and July 6, 1846, in House of Representatives, copies of the constitution of Iowa were presented. (See documents, House of Representatives, first session Twenty-ninth Congress, vol. 7, No. 217, and documents of Senate, vol. 8, No. 384.)

On August 4, 1846, an act to define the boundaries of the State of Iowa and to repeal so much of the act of March 3, 1845, as relates to boundaries of Iowa, was approved. This act was to amend the boundaries of the State as defined in the act of March 3, 1845, which had been rejected by a vote of the people.

On December 15, 1846, a copy of the constitution adopted by the people of Iowa, with a proclamation of the governor, &c., were presented in House of Representatives. (See documents, House of Representatives, second session Twenty-ninth Congress, vol. 2, No. 16.)

On December 28, 1846, an act for the admission of the State of Iowa into the Union was approved.

All of the State of Iowa was public domain, and was surveyed and was and now is disposed of under laws of the United States.

WISCONSIN

(Indian—Wild rushing channel) was the seventeenth State admitted.

Population.

Years.	White.	Colored.	Total.
1840	30, 749	196	30, 945
1850	304, 756	635	305, 391
1860	773, 693	1, 171	775, 881
1870	1, 051, 351	2, 113	1, 054, 670
1880	....	....	1, 315, 480

Area 53,924 square miles, or 34,511,360 acres.

A Territorial organization. Organic act, April 20, 1836. Admitted May 29, 1848.

Formed from territory ceded to the United States and from part of the territory northwest of the river Ohio.

On December 12, 1832, a resolution passed in House of Representatives directing a committee to inquire into the expediency of creating a Territorial government for Wisconsin out of part of Michigan.

On December 6, 1832, the committee made a report accompanied by a bill. (See reports of committees House of Representatives, first session Twenty-second Congress, vol. 1, No. 145.)

A memorial of the legislative council of Michigan for the division of that Territory, and that the Territory of Wisconsin be established, was presented in Senate of the United States December 23, 1834. (See Senate documents, second session Twenty-third Congress, vol. 2, No. 24.)

On February 11, 1836, a bill establishing the Territorial government of Wisconsin reported in House of Representatives.

On March 1, 1836, a memorial of legislative council of Michigan for same presented in House of Representatives. (See documents House of Representatives, first session Twenty-fourth Congress, vol. 4, No. 153.)

The Territory of Wisconsin.

On April 20, 1836, an act establishing the Territorial government of Wisconsin was passed and approved.

On March 5, 1838, a resolution directing a committee to inquire into the expediency of authorizing the Territory of Wisconsin to take a census and adopt a constitution, preparatory to being admitted into the Union, was passed.

On May 11, 1838, the said committee reported a bill to enable the people of East Wisconsin to form a constitution and State government, and for the admission of such State into the Union.

On June 12, 1838, an act to divide the Territory of Wisconsin, and to establish the Territorial government of Iowa, was approved.

On June 12, 1838, an act to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin, was approved.

On January 28, 1839, a memorial of the legislative assembly of Wisconsin, praying an alteration in the southern boundary of that Territory, was presented in the Senate. (See Senate documents, third session Twenty-fifth Congress, vol. 3, No. 149.)

On March 3, 1839, an act to alter and amend the organic law of the Territories of Wisconsin and Iowa was approved.

On May 25, 1840, the proceedings of a public meeting at Galena in relation to the southern boundary of Wisconsin Territory, was presented in the House of Representives. (See documents House of Representatives, first session Twenty-sixth Congress, vol. 6, No. 226. For "An ordinance for the government of the territory of the United States, northwest of the River Ohio," passed by the Congress of the Confederation, July 13, 1787, see the same under the head "Ohio.")

On February 3, 1841, a message was received in Senate from the President, communicating the reports, maps, &c., relating to boundary line between Michigan and Wisconsin. (See Senate documents, second session Twenty-six Congress, vol. 4, No. 151.)

On February 8, 1841, a memorial of the legislative assembly of Wisconsin, that a law defining the western boundary line of said Territory be passed, was presented in Senate. (See Senate documents as above, vol. 4, No. 171.)

On February 15, 1841, resolutions of the general assembly of Michigan in relation to the boundary line between that State and the Territory of Wisconsin, were presented in the Senate. (See Senate documents, second session Twenty-sixth Congress, vol. 4, No. 186.)

On March 19, 1841, resolutions of the legislative assembly of Wisconsin Territory in relation to the boundary between Michigan and Wisconsin, were presented in House of Representatives. (See documents House of Representatives, second session Twenty-seventh Congress, vol. 3, No. 147.)

On March 20, 1845, a resolution of the legislative council of Wisconsin asking that provision be made for taking a census and holding a convention to form a State constitution, was presented in the Senate.

On January 13, 1846, a bill to enable the people of Wisconsin to form a constitution and State government, was introduced on leave in House of Representatives.

The State of Wisconsin.

On August 6, 1846, an act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of such State into the Union, was approved. To be entitled to two Representatives until the next census, and the laws of the United States extended to the same when admitted.

A constitution was formed under this act, which was rejected by the people of the State.

On January 21, 1847, the constitution adopted by the people of Wisconsin, the census, and other documents were presented in House of Representatives. (See documents House of Representatives, second session Twenty-ninth Congress, vol. 3, No. 49.)

On March 3, 1847, an act for the admission of the State of Wisconsin into the Union was approved. To be admitted on condition that the constitution adopted on December 16, 1846, shall be assented to by the qualified electors of the State, and as soon as such assent shall be given, the President of the United States shall announce the same by proclamation, and therefrom the admission of Wisconsin shall be considered as complete. This act was rendered null by the refusal of the people of the State to accept the constitution of 1846.

A new constitutional convention was called, which met at Madison December 15, 1847, and on February 1, 1848, adjourned after forming a constitution. It was ratified by the people by a vote of 16,442 for to 6,149 votes against it.

By act 29th May, 1848, the State of Wisconsin was admitted into the Union. Entitled to three Representatives in Congress after 3d March, 1849.

All of the area of Wisconsin was public domain and was and is surveyed and disposed of under the laws of the United States.

A bill (S. 74) "for the admission of the State of Colorado into the Union" was introduced on leave in Senate, by Hon. William M. Stewart, January 12, 1866; passed that house April 25, and passed the House of Representatives May 3, 1866. The bill was returned to the Senate with a veto message by the President May 15, 1866, and, on May 16, 1866, was ordered by the Senate to lie on the table. The bill was never acted upon after the veto message was received.

A bill (S. 462) "to admit the State of Colorado into the Union" was introduced on leave in Senate, by Hon. Benjamin F. Wade, December 10, 1866; passed that house January 9, 1867, and passed the House of Representatives January 15, 1867. The bill was returned to the Senate with a veto message by the President, January 28, 1867, and failed to pass that body over the veto March 1, 1867.

The State of Colorado.

A bill (H. R. 435) "to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," was introduced on leave in House of Representatives, by Hon. J. B. Chaffee, December 8, 1873; referred to Committee on Territories and reported May 28, 1874; same day ordered to be printed and recommitted; passed that House June 8, 1874; passed the Senate February 24, 1875, with an amendment which was agreed to by the House of Representatives March 3, and became a law March 3, 1875. A constitution was adopted under this act by a convention which met at Denver, December 20, 1875, to March 14, 1876. It was ratified by the people July 1, 1876. This law contains a provision authorizing the President of the United States—upon being notified by the proper authority that the terms of the law had been complied with—to issue his proclamation declaring the State to be admitted into the Union. In accordance with this provision a proclamation was issued by the President August 1, 1876, declaring the State of Colorado admitted into the Union.

All of the area of Colorado became public domain, except certain grants located therein made by sovereigns or governments, former owners of the soil; was and is surveyed and disposed of under laws of the United States.

THE TERRITORIES.

Existing laws relating to the several Territories of the United States are to be found under Title XXIII, "The Territories," chap. I, secs. 1839 to 1895, Revised Statutes, and session laws of Congress since 1878.

Chapter II of the above title relates to provisions concerning particular organized Territories; secs. 1896 to 1953, and see session laws of Congress since 1878. Chapter III of the above title relates to Alaska; secs. 1954 to 1976, and session laws of Congress since 1878.

NEW MEXICO.

(Aztec—"Mexitli," the Aztec god of war.)

Population.

Years.	White.	Colored.	Total.
1850	61, 525	22	61, 574
1860	82, 924	85	93, 516
1870	90, 393	172	91, 874
1880	....	....	118, 430

Area, 120,201 square miles, or 77,568,640 acres.

Organic act passed September 9, 1850.

Formed from part of the territory ceded to the United States by Mexico in 1848.

For statement of propositions for forming a Territorial government for New Mexico, see under head of "California."

A bill (S. 170) "to establish the governments of Utah and New Mexico, and for other purposes," was reported by Hon. Stephen A. Douglas March 25, and passed the Senate August 15, 1850, amended to "An act to establish a Territorial government for New Mexico." This bill, with the addition of a new section, was engrafted on bill (S. 307) in House of Representatives. See following statement:

In House of Representatives, August 28, 1850, the bill (S. 307) entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States," having been under consideration until September 5, 1850, was then amended by providing a Territorial government for New Mexico, and on the 6th of September was passed, and the title amended by adding, "and to establish a Territorial government for New Mexico." The Senate concurred in the amendments, and the bill became a law on the 9th of September, 1850.

August 4, 1854 (10 Stats., p. 575), the territory acquired from Mexico under the Gadsden purchase, so called, incorporated with the Territory of New Mexico.

February 24, 1863 (12 Stats., p. 664), the Territory of Arizona was erected from part of New Mexico.

July 27, 1868 (15 Stats., p. 239), the veto power of the governor made subject to two-thirds vote of legislature; biennial sessions of legislature ordered; secretary of Territory made *ex officio* superintendent of public buildings and grounds. (Salary as such superintendent abolished May 18, 1872; 17 Stats., p. 127.)

March 2, 1867 (14 Stats., p. 546), peonage abolished and forever prohibited in the Territory of New Mexico, or in any other Territory of the United States.

All of the area of the Territory of New Mexico is public domain, except certain grants made by sovereigns or governments, owners of the soil, and is surveyed and disposed of under laws of the United States.

UTAH.

(Named after a tribe of Indians.)

Population.

Years.	White.	Colored.	Chinese.	Total.
1850	11,330	50	....	11,380
1860	40,125	59	....	40,273
1870	86,044	118	445	86,786
1880	....	....	....	143,906

Area, 84,476 square miles, or 54,064,640 acres.

Organic act passed September 9, 1850.

Formed from part of the territory ceded to the United States by Mexico in 1848.

For statement of propositions for forming a Territorial government for Utah, see under head of California and New Mexico.

The bill (S. 225) "to admit California as a State into the Union, to establish Territorial governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries," was reported by Hon. Henry Clay, May 8, 1850, and was amended and passed the Senate August 1; being reduced to a provision for, and the title having been amended to, "An act to establish a Territorial government for Utah," which bill passed the House of Representatives September 7, and became a law on the 9th of September, 1850.

February 21, 1855 (10 Stats., p. 611), "An act to establish the office of surveyor-general of Utah, and to grant land for school and university purposes."

March 2, 1861 (12 Stats., p. 244) part of Territory of Utah north of the forty-first

degree of north latitude and east of the thirty-third meridian of longitude west from Washington, incorporated with and made a part of Territory of Nebraska.

March 14, 1862 (12 Stats., p. 369), the Territories of Utah and Colorado were made one surveying district, the duties of surveyor-general to be performed by the surveyor-general of Colorado.

May 30, 1862 (12 Stats., p. 409), the Territories of Utah and Colorado to constitute one surveying district when so ordered by the President on the recommendation of the General Land Office, approved by the Secretary of the Interior.

July 16, 1868 (15 Stats., p. 91), "An act to create the office of surveyor-general in the Territory of Utah and establish a land office in said Territory, and extend the homestead and pre-emption laws over the same."

July 1, 1862 (12 Stats., p. 501), was passed "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the legislative assembly of Utah."

June 23, 1874 (18 Stats., p. 253), "An act in relation to courts and judicial officers in the Territory of Utah."

All of the area of Utah is public domain, and is surveyed and disposed of under laws of the United States.

WASHINGTON.

(After a Ship of that Name.)

Population.

Years.	White.	Colored.	Chinese.	Total.
1860	11,138	30	....	11,594
1870	22,195	207	234	23,955
1880	....	....	....	75,120

Area, 69,994 square miles, or 44,796,160 acres.

Organic act passed March 2, 1853.

Formed from the territory purchased from France; but the northern boundary was settled by the treaty with Great Britain known as the Oregon treaty, of June 15, 1846, establishing the boundary between the United States and the British Possessions, as at present defined, viz, the forty-ninth degree of north latitude.

A bill (H. R. 348) "to establish the Territorial government of Columbia," was reported from Committee on Territories, House of Representatives, by Hon. Charles E. Stuart, January 25, 1853; passed that House February 10, 1853, under amended title, viz, "An act to establish the Territorial government of Washington;" passed the Senate March 2, and became a law March 2, 1853.

February 14, 1859 (11 Stats., p. 384), part of Territory of Oregon incorporated with Washington Territory.

March 2, 1861 (12 Stats., p. 244) part of Territory of Washington added to Nebraska.

June 17, 1864 (13 Stats., p. 135), veto power of governor regulated.

June 29, 1866 (14 Stats., p. 77), sessions of legislative assembly to be biennial; members of council to be elected for four years, and members of house for two years.

March 3, 1869 (15 Stats., p. 300), members of both branches to be chosen for two years.

July 27, 1868 (15 Stats., p. 241), laws of United States extended over Alaska, and district court of Washington Territory to have original jurisdiction in cases arising in said Territory of Alaska.

June 20, 1874 (18 Stats., p. 129), "An act relating to the possessory rights of the Hudson's Bay Company and other British subjects.

All of the area of Washington is public domain excepting possessory rights given by sovereigns or governments, former owners of the soil, and is surveyed and disposed of under the laws of the United States.

DAKOTA.

(Indian—Leagued.)

Population.

Years.	White.	Colored.	Total.
1860	2,576		4,837
1870	12,887	94	11,481
1880			135,180

Area, 150,932 square miles, or 96,596,480 acres.

Organic act passed March 2, 1861.

Formed from territory ceded by France.

A bill (S. 475) "to organize the Territory of Dakota, and for other purposes," was introduced, on leave, in Senate by Hon. Graham N. Fitch, December 20, 1858, and referred to the Committee on Territories. Said committee was, on February 8, 1859, discharged from further consideration of the bill.

A bill (S. 555) "to provide temporary governments for the Territories of Dakota and Arizona, and to create the office of surveyor-general in the Territory of Arizona," was reported from Committee on Territories, Senate, by Hon. James S. Green, February 4, 1859. No action thereon was taken by the Senate.

A bill (S. 562) "to provide a temporary government for the Territory of Dakota, and to create the office of surveyor-general therein," was reported from Committee on Territories, Senate, by Hon. James S. Green, February 14, 1861; passed that house February 26; passed the House of Representatives March 1, and became a law March 2, 1861.

March 2, 1863 (12 Stats., p. 701), qualifications and powers of governor prescribed, and veto power regulated.

May 26, 1864 (13 Stats., p. 92), part of Territory of Idaho temporarily incorporated with and made part of Dakota Territory.

April 28, 1870 (14 Stats., p. 93), boundary line between Dakota Territory and State of Nebraska redefined.

February 17, 1873 (17 Stats., p. 464), western boundary of Dakota Territory readjusted, and detached portion of Territory, under former erroneous definition, attached to Territory of Montana.

All of the area of Dakota is public domain, and is surveyed and disposed of under the laws of the United States.

ARIZONA.

(Sand hills.)

Population.

Years.	White.	Colored.	Chinese.	Total.
1870	9,581	26	20	9,658
1880				40,441

Area, 113,916 square miles, or 72,906,304 acres.

Organic act passed February 24, 1863.

Formed from territory ceded by Mexico by the treaty of Guadalupe Hidalgo in 1848, and part by the "Gadsden purchase," in 1852.

A bill (S. 8) "to organize the Territory of Arizona, and to create the office of surveyor-general therein, to provide for the examination of private land claims, to grant donations to actual settlers, to survey the public and private lands, and for other purposes," was introduced on leave in Senate by Hon. William M. Gwin, and referred to

Committee on Territories, December 17, 1857. The committee was discharged from further consideration of the bill February 8, 1859.

(For a statement of bill S. 555, introduced in the Senate February 4, 1859, see Dakota.)

A bill (S. 365) "to provide a temporary government for the Territory of *Arizuma*," was reported from Committee on Territories, Senate, by Hon. James S. Green, April 3, 1860; considered and amended December 27, and further consideration thereof postponed December 31, 1860.

A bill (H. R. 357) "to provide a temporary government for the Territory of Arizona," was reported from Committee on Territories, House of Representatives, by Hon. James M. Ashley, March 13, 1862; passed that house May 8, 1862; passed the Senate February 20, 1863, and became a law February 24, 1863.

March 3, 1867 (14 Stats., p. 542), attached to surveying district of California; made a land district; register and receiver authorized to be appointed.

July 11, 1870 (16 Stats., p. 230), made a separate surveying district; surveyor-general authorized.

July 19, 1876 (19 Stats., p. 91), veto power of governor regulated.

All of the area of Arizona is public domain, except certain grants made by sovereigns or governments, former owners of the soil, and is surveyed and disposed of under the laws of the United States.

IDAHO.

(Indian—Gem of the mountains.)

Population.

Years.	White.	Colored.	Chinese.	Total.
1870	10,618	60	4,274	14,999
1880				32,611

Area, 86,294 square miles, or 55,228,160 acres.

Organic act passed March 3, 1863.

Formed from the purchase from France.

A bill (H. R. 738) "to provide a temporary government for the Territory of Montana" was reported from Committee on Territories, House of Representatives, by Hon. James M. Ashley, February 11, 1863; passed that House February 12, 1863; passed the Senate March 3 under title amended so as to read "An act to provide a temporary government for the Territory of Idaho," to which amendment the House of Representatives agreed March 3; and became a law March 3, 1863.

May 26, 1864 (13 Stats., p. 92), part of Idaho transferred to Dakota.

July 2, 1864 (13 Stats., p. 353), made one surveying district with Montana.

June 27, 1866 (14 Stats., p. 77), made a land district; register and receiver authorized to be appointed.

June 29, 1866 (14 Stats., p. 77), made a separate surveying district; surveyor-general authorized to be appointed.

All of the area of Idaho is public domain, and is surveyed and disposed of under the laws of the United States.

MONTANA.

(Spanish—Mountain.)

Population.

Years.	White.	Colored.	Chinese.	Total.
1870	18,306	183	1,949	20,595
1880				39,157

Area, 143,776 square miles, or 92,016,640 acres.
Organic act passed May 26, 1864.
Formed from part of the French purchase.
A bill (S. 521) "to provide a temporary government for the Territory of Montana" was introduced on leave in Senate by Hon. James H. Lane, February 12, 1863, and referred to Committee on Territories. Not reported.
(For a statement of bill H. R. 738, introduced in the House of Representatives February 11, 1863, see Idaho.)
A bill (H. R. 15) "to provide a temporary government for the Territory of Montana" was introduced on leave in the House of Representatives by Hon. James M. Ashley December 14, 1863; passed that House March 17, 1864, and passed the Senate, with amendments, March 31, 1864. Said amendments were disagreed to by the House of Representatives May 31, and, on April 1, the Senate was requested to return the bill, which it did the same day. On the 4th of April the bill was returned to the Senate and considered by that body, but its amendments to the bill were insisted upon, and a committee of conference was requested. The report of the conference committee was agreed to by the Senate April 14, but disagreed to by the House of Representatives April 15, the latter asking a further conference. The Senate refused a further conference, April 15, on the terms proposed by the House of Representatives, whereupon the latter house, insisting upon its disagreement to the Senate amendments, asked a "further free conference," to which the Senate agreed April 29. The report of the conference committee was agreed to by the Senate May 19 and by the House of Representatives May 20, and the bill became a law May 26, 1864.
July 2, 1864 (13 Stats., p. 353), made one surveying district with Dakota.
March 2, 1867 (14 Stats., p. 542), appointment of surveyor-general authorized; made a land district; register and receiver authorized.
All the area of Montana is public domain, and is surveyed and disposed of under the laws of the United States.

WYOMING.

(Indian—The large plains.)

Population.

Years.	White.	Colored.	Chinese.	Total.
1870	8,726	183	143	9,118
1880				20,788

Area, 97,833 square miles, or 62,645,120 acres.
Organic act passed July 25, 1868.
Formed from a part of the French purchase and the Mexican acquisition of 1848.
A bill (S. 357) "to provide a temporary government for the Territory of Wyoming" was introduced on leave in Senate by Hon. Richard Yates February 13, 1868; passed that house June 3; passed the House of Representatives July 22; and became a law July 25, 1868.
February 5, 1870 (16 Stats., p. 64), made a land district; appointment of register and receiver and surveyor-general authorized.
All the area of Wyoming is public domain, and is surveyed and disposed of under the laws of the United States.

RUSSIAN PURCHASE—ALASKA.

(Indian, Alakshak—Great country.)

Area, 557,390 square miles, or 365,529,600 acres.
This is unorganized territory, being the country purchased from Russia by treaty of 30th March, 1867.

A bill (S. 619) "to extend the laws of the United States relating to customs, commerce, and navigation over the territory ceded to the United States by Russia, to establish collection districts therein, and for other purposes" passed the Senate July 16, 1868; passed the House of Representatives July 25; and became a law July 27, 1868. This act gave one of the United States district courts of Washington Territory original jurisdiction in causes arising in Alaska.

A bill (S. 239), "Joint resolution more efficiently to protect the fur seal in Alaska," was introduced on leave in Senate by Hon. James W. Patterson February 26, 1869; passed that house March 2; passed the House of Representatives March 3; and became a law March 3, 1869.

A bill (S. 32) "to prevent the extermination of fur-bearing animals in Alaska" was introduced on leave in Senate by Hon. Thomas W. Ferry March 6, 1869; passed that house March 9, 1869; passed the House of Representatives June 28, 1870, with amendment, to which the Senate agreed June 30; and became a law July 1, 1870.

A bill (H. R. 2944) "to provide a temporary civil organization for the Territory of Alaska" was reported from Committee on Territories, House of Representatives, by Hon. Shelby M. Cullom February 4, 1871, and passed by that house the same day. In Senate, referred February 6, reported adversely, and further consideration indefinitely postponed February 17, 1871.

All the area of Alaska is public domain. The laws of the United States relating to survey and disposition have not as yet been extended over Alaska.

INDIAN TERRITORY

Not an organized Territory.

Population in 1870, 68,152.

Area, 68,991 square miles, or 44,154,240 acres.

Set aside for Indians by act of June 30, 1834.

Unsurveyed lands in the Territory, estimated, 17,150,250 acres; unoccupied lands, 9,991,167 acres.

Attached for judicial purposes to the western district of the State of Arkansas.

That portion of the United States called "Indian country" is described in the act of March 30, 1802. (2 Stats., p. 139.)

After the Louisiana purchase in 1803, Congress, by the fifteenth section of the act of March 26, 1804 (2 Stat., p. 283), provided for the removal of the Indians on the east to the west side of the Mississippi River; and in May 28, 1830 (4 *id.*, p. 411), the laying off of these lands west of said river was provided for, &c.

In June 30, 1834 (4 *id.*, p. 729), what was to be known as Indian country was again described in the first section of that act.

By article II of the treaty of May 6, 1828 (7 *id.*, p. 311), the Cherokee nation were granted lands by metes and bounds as therein described. See supplementary treaty of February 14, 1833 (7 *id.*, p. 414), and also the treaty of December 29, 1835. (7 *id.*, p. 748.)

By article II, treaty of October 18, 1820 (7 *id.*, p. 210), the United States cedes to the Choctaw nation lands to the south of those granted the Cherokees in said "Indian Country." Boundary line between Choctaws and the United States fixed by first article treaty of January 20, 1825. (7 *id.*, p. 234.)

Boundaries of Choctaw grant made more specific by second article treaty of September 27, 1830. (7 *id.*, p. 333.)

By the first article treaty of February 12, 1825, the Creek Nation were ceded by the United States lands in said "Indian country." (7 *id.*, p. 237.)

For boundaries of Creek grant see article II, treaty February 14, 1833 (7 *id.*, p. 417. By this treaty (fourth article) Seminole Indians made part of said Creek nation.

The land granted the Cherokee Nation in the said Indian country west of Mississippi River was patented to them as a nation December 31, 1838, pursuant to said treaty stipulations.

The Choctaws as a nation received a patent for the lands ceded them in said Indian country, March 23, 1842.

The Creek Indians as a nation received patent for their lands in said Indian Country August 11, 1852.

These three patents included all the lands in what is now called Indian Territory, and some of the lands now included in the State of Kansas, except those lands lying in the northeast corner of said Territory, claimed by the Senecas and other tribes. These lands in Kansas have been relinquished.

For change of boundaries of said patented lands, see 11 Stats., p. 611; 14 *id.*, pp. 785, 799.

After the lands were ceded to said Indian nations they were called "Indian country," "Indian nation," and lastly "Indian Territory"; this latter name has been accepted and recognized by the Executive in issuing orders, &c., and by Congress in establishing post-routes, &c., as the proper name to apply to this region of country.

In pursuance of treaty stipulations, &c., a portion of the lands known as Indian Territory have been surveyed.

For Executive orders and treaties relative thereto, see the report of the Hon. Commissioner of Indian Affairs for 1879, pp. 220, 221.

The survey and patenting of the lands in this Territory are done by the Commissioner of the General Land Office upon the recommendation of the Commissioner of Indian Affairs, approved by the Secretary of the Interior.

No part of said Territory has been brought under the operation of general laws so as to make them subject to settlement as public lands.

The various treaties and acts of Congress relative to lands in this Territory have, as far as is known, been construed to reserve them for Indian purposes.

The maps and plats of the surveys of said Territory are on file in the General Land Office, and also in the office of the Commissioner of Indian Affairs.

INTERNAL CONDITION—SURVEYS—LAND-HOLDING RATES.

The following tracts of country in Indian Territory have been surveyed:

Surveys of reservations and tracts.

	Acres.
Quapaw reservation	56,685
Peoria, &c., reservation	50,301
Modoc reservation	4,040
Shawnee reservation	13,048
Wyandot reservation	21,406
Seneca reservation	51,958
Osage reservation	1,466,167
Kansas reservation	100,141
Pawnee reservation	283,026
Unoccupied Cherokee lands west of 96°, east of Pawnee reserve	105,456
Unoccupied Cherokee lands west of 96°, west of Pawnee reserve	6,239,106
Unoccupied Creek lands north of Cimarron River and west of Pawnee reserve	683,139
Sac and Fox reservation	479,667
Pottawatomie "30-mile square" tract	575,877
Chickasaw reservation	4,650,935
Kiowa and Comanche reservation	2,968,893
Wichita reservation	743,610
Cheyenne and Arapahoe reservation	4,297,771
Unoccupied Creek and Seminole ceded lands	1,645,890
Unoccupied Choctaw and Chickasaw leased lands	1,511,576
Total area surveyed	25,948,692

Of these the Sac and Fox Reservation and the Pottawatomie "30-mile square" tract, the Quapaw, Peoria, Modoc, Shawnee, Seneca, and Wyandot reservations have been surveyed and subdivided into 40-acre tracts; the remainder into sections, as the public surveys are made.

The object of these surveys was the fulfillment of treaty stipulations, and to enable the Department to ascertain the exact location, quality, and quantity of these several tracts, with a view to the settlement of friendly Indians upon the unoccupied lands, and to aid the various tribes of Indians already settled upon reservations in the adoption of habits of civilized life and their permanent settlement upon individual allotments of farms.

The following tracts remain unsurveyed:

	Acres.
The Cherokee Reservation, estimated	5,031,351
The Creek Reservation, estimated	3,215,495
The Choctaw Reservation, estimated	6,688,000
The Ottawa Reservation, estimated	14,860
The Seminole Reservation, estimated	200,000
Total estimated area unsurveyed	15,149,706

Previous to the treaties of 1866—

	Acres.
The Quapaws owned	75,167
The Mixed Senecas and Shawnees	63,767
The Senecas of Sandusky	73,364
The Cherokees	13,172,235
The Creeks	6,998,808
The Seminoles	1,682,883
The Choctaws and Chickasaws	19,032,174
Total area of Indian Territory	41,098,398

By the fourth article of the Omnibus treaty of February 23, 1867 (15 Stats., p. 514), the Quapaws ceded to the United States 18,482 acres of their lands, at the rate of $1.15 per acre, and the United States, by the twenty-second article of the same treaty, sold the same to the Peorias, &c., at the same rate, leaving a reservation of 56,685 acres to the Quapaws, which they still hold.

By the second article of said treaty the Mixed Senecas and Shawnees ceded to the United States the north half of their reserve, estimated to contain 30,000 acres, for the sum of $24,000, which land, by the twenty-second article of the same treaty, was sold by the United States to the Peorias, &c., at the same price. This tract, by survey, contains 31,819 acres, which, with 18,482 acres of Quapaw lands, constitutes the present Peoria, &c., reservation of 50,301 acres.

By the third article the Mixed Senecas and Shawnees ceded to the United States that portion of their remaining lands west of Spring River, supposed to contain 12,000 acres, at $1 per acre, which land, by the sixteenth article, was sold to the Ottawa Indians by the United States, at $1 per acre, and constitutes the present Ottawa reserve, and contains, by survey, 14,860 acres. Of the remainder of their lands, 17,088 acres, the Shawnees, by an agreement with the Modoc Indians, made June 23, 1874, and confirmed by Congress March 3, 1875 (18 Stat., p. 447), sold to the United States 4,040 acres for $6,000 as a permanent reservation for the Modoc Indians, which is still held by them, leaving 13,048 acres, which the Shawnees hold and occupy as their reserve.

By the first article of the same treaty, the Senecas of Sandusky ceded to the United States a strip of land on the north side of their reservation, containing 20,000 acres, for $20,000, which land, by the thirteenth article, the United States set apart as a future home for the Wyandots. By the fourteenth article provision is made for the reimbursement to the United States of the cost of the land. This tract, the present Wyandot reserve, contains 21,406 acres. The Senecas hold the remainder, 51,958 acres, as their present reservation.

The Cherokees, by the sixteenth article of the treaty of July 19, 1866 (14 Stats., p. 799), ceded to the United States the authority to settle friendly Indians on any part of their lands west of 96°. These lands (8,140,884 acres), when so occupied by friendly Indians, are to be paid for to the Cherokees, at such price as may be agreed upon, as stipulated in said sixteenth article.

In accordance with this stipulation and an act of Congress approved June 5, 1872 (17 Stats., p. 228), the Kansas and Osage tribes of Indians were settled upon the tract of country lying between the Arkansas River and 96°, the Kaws occupying a tract of 100,141 acres and the Osages a tract of 1,466,167 acres. The price paid for these two tracts was 70 cents per acre.

By the fourth section of an act of Congress approved April 10, 1876 (19 Stats., p. 28), there was set apart, for the use and occupation of the Pawnee Indians, a tract of country comprising 230,014 acres, out of the lands named in the sixteenth article of said Cherokee treaty, the price not to exceed 70 cents per acre. The Pawnees have been in possession of this reserve for several years, but no payment has been made to the Cherokees. The lands were appraised last year by a commission appointed under the 5th section of an act of Congress approved May 29, 1872 (17 Stats., p. 190), at an average valuation of 59.9 cents per acre. The remainder of the Cherokee lands west of 96° (6,344,562 acres) is unoccupied, the United States not having as yet settled thereon any other tribes.

By the third article of the treaty concluded June 14, 1866 (14 Stats., p. 786), the Creek Indians ceded to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, at 30 cents per acre. Of this cession there were sold to the Sac and Fox Indians, at the price paid the Creeks, 479,667 acres, and to the Seminoles, at 50 cents per acre, 200,000 acres.

There are included in the Pottawatomie "30-mile square" tract 222,668 acres, from which, by an act of Congress approved May 23, 1872 (17 Stats., p. 159), allotments were authorized to be made to the Pottawatomie citizen band, and the absentee Shawnee Indians, the cost thereof to the United States (viz, 30 cents) to be paid by said Indians. No money, however, has yet been paid, though a number of allotments have been made. Of the remainder, a portion is occupied by the Cheyenne and Arapahoe Indians, by authority from the President, dated August 10, 1869, and the remaining portion is unoccupied.

By the third article of the treaty of March 2, 1866 (14 Stats., p. 755), the Seminoles ceded to the United States their entire domain at 15 cents per acre, being the land ceded by the Creeks for the Seminoles in the treaty of August 7, 1856 (11 Stats., p. 699). Of this cession, 353,209 acres are included in the Pottawatomie "30-mile square" tract for the settlement of the Pottawatomie citizen band of the absentee Shawnee Indians as recited in the Creek cession. Of the remainder, a portion is occupied by Cheyennes and Arapahoes, by authority from the President, dated August 10, 1869, and the balance is unoccupied by any tribe.

By the ninth article of the treaty of June 22, 1855 (11 Stats., p. 613), the Choctaws and Chickasaws leased to the United States all their lands west of 98°, viz, 7,713,239 acres, for the permanent settlement of the Wichita and other Indians, the United States paying therefor the sum of $800,000, and by the first article of the treaty of April 28, 1866 (14 Stats., p. 769), in consideration of the sum of $300,000, the Choctaw and Chickasaw Indians ceded all of the lands west of 98° named in the treaty of June 22, 1855, and known as the "leased lands," to the United States.

By the second article of the treaty of October 21, 1867 (15 Stats., p. 582), the United States set apart out of these leased lands a tract of country containing 2,968,893 acres as a permanent home for the Kiowa and Comanche Indians, the consideration therefor being a relinquishment of all their right to occupy permanently the territory outside of this tract, including their old reservation, as defined in the treaty of 1865. By an unratified agreement, made October 19, 1872, the Wichitas were assigned another tract of country out of these leased lands, embracing an area of 743,610 acres. The Cheyenne and Arapahoe Indians, by authority from the President, dated August 10, 1869, occupy 2,489,160 acres, and the remainder of these leased lands (1,511,576 acres) are unoccupied by any tribes.

The above was the condition February 15, 1878. Since that date the Poncas and

Nez Percés have been moved to and now occupy a portion of the Cheyenne and Arapahoe lands, being a portion of the Cherokee lands west of the Arkansas River, the former 101,894 acres, and the latter 90,135 acres.

The unoccupied lands in the Indian Territory are held by the United States. Under date of May 23, 1879, the Commissioner of Indian Affairs reports as to these lands as follows:

In reply to the last inquiry contained in said resolution [viz, resolution of United States Senate May 14, 1879], "whether it is the intention of the Government to use such unoccupied lands for the settlement of Indians and freedmen; and if the Government has such intention, what Indians and freedmen are to be located on such lands," I have to state that it is the intention of the Indian Department, whenever the policy of the Department and the best interests of the Indians demand it, to appropriate such unoccupied lands for the use of any Indians, where their removal to the Indian Territory is not prohibited by existing treaty stipulations or laws.

For a map of the Indian Territory, showing all the reservations and unoccupied land therein, see S. Ex. Doc. No. 124, second session Forty-sixth Congress, March 18, 1880, which is a report from the Commissioner of the General Land Office in response to Senate resolution of March 11, 1880, and exemplifications of land patents issued to Indian tribes in Indian Territory, and copies of applications of railway corporations and action thereon, with map.

See S. Ex. Doc. No. 26, first session Forty-sixth Congress, and S. Ex. Doc. No. 32, second session Forty-fifth Congress.

PUBLIC LAND STRIP.

The "Public Land Strip," or unoccupied public lands west of Indian Territory and south of Kansas, is a part of the territory ceded to the United States by the State of Texas in 1850.

The area of the Public Land Strip is estimated at 10,800 square miles, equal to 6,912,000 acres. It is not attached to any judicial district.

The only legislative action in regard to it is some incomplete measures, one of which was bill S. No. 1648, Forty-fifth Congress, third session, providing for the survey and sale of said lands; also bill S. No. 1783, Forty-sixth Congress, second session, granting to the Commissioner of the General Land Office general authority to survey public lands of the United States, islands, &c., neither of which measures have resulted in law.

This territory remains unsurveyed and unoccupied. It is public domain, but the land laws have not as yet been extended over it for survey, sale, or disposition.

THE DISTRICT OF COLUMBIA.

Population.

Year.	White.	Colored.	Total.
1800	10,066	4,027	14,093
1810	16,079	7,944	24,023
1820	22,614	10,425	33,039
1830	27,563	12,271	39,834
1840	30,657	13,055	43,712
1850	37,941	13,746	51,687
1860	60,763	14,316	75,080
1870	88,278	43,404	131,700
1880	....	....	177,638

Area 60 square miles, or 38,400 acres.)

During the Revolution and afterwards Congress held its sessions in Philadelphia, Baltimore, New York, Lancaster, York, Princeton, Annapolis, and Trenton. Having been interrupted at Philadelphia the sessions were removed to the halls of the college at Princeton. In 1784 commissioners were appointed to procure a site for the Capital,

between two or three miles square, upon the Delaware River, and erect suitable buildings, but nothing was done by them. In 1789 a bill passed one House of Congress in favor of a location upon the banks of the Susquehanna. The present seat of government (District of Columbia) was selected by virtue of acts passed in 1788-'89 by Virginia and Maryland ceding ten miles square upon the Potomac under the name of Connogocheague. The first session of Congress was held in the District November, 1800.

Washington City, in the District, is the political capital of the United States. It is situated on the left bank of the Potomac River between two small tributaries—the one on the east called the Eastern Branch and the one on the west called Rock Creek, the latter separating it from Georgetown, which is also embraced within the limits of the District of Columbia and under the direct control of Congress, as was the city of Alexandria at one time.

The seventeenth clause, eighth section, first article of the Constitution of the United States says:

"Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States," &c.

In pursuance of this provision the State of Maryland, on December 23, 1788, passed "An act to cede to Congress a district of ten miles square in this State for the seat of Government of the United States."

And the State of Virginia, on December 3, 1789, passed "An act for the cession of ten miles square, or any lesser quantity of territory within this State, to the United States in Congress assembled for the permanent seat of the General Government."

These cessions were accepted by Congress, as required by the Constitution, and the permanent seat of government established by the "act for establishing the temporary and permanent seat of the Government of the United States," approved July 16, 1790, and the act to amend the same, approved March 3, 1791.

The district of ten miles square was accordingly located, and its lines and boundaries particularly established by a proclamation of George Washington, President of the United States, on March 30, 1791, and by the "act concerning the District of Columbia," approved February 27, 1801, Congress assumed complete jurisdiction over the said district, as contemplated by the framers of the Constitution.

The legislature of Virginia passed an act on February 3, 1846, providing for the acceptance by the State of Virginia of the county of Alexandria, in the District of Columbia, whenever the same shall have been receded by Congress; and on July 9, 1846, an act was passed by Congress, entitled "An act to retrocede the county of Alexandria, in the District of Columbia, to the State of Virginia."

The county of Alexandria, thus receded to the State of Virginia, comprised all that portion of the original district of ten miles square which lies south of the Potomac River, so that by the act of retrocession the District of Columbia was reduced to the county of Washington, comprising all that part of the original district which lies north of said river, and including within its limits the cities of Washington and Georgetown.

Until 1871 the Government of the District of Columbia was of the ordinary municipal character, resting upon charters granted by Congress, from time to time, to the cities of Washington and Georgetown. These charters continued in force until June 1, 1871, when they were repealed by an act of Congress, entitled "An act to provide a government for the District of Columbia," approved February 21, 1871. This act created a territorial government for the District, vesting the executive power and authority in a governor and secretary (appointed by the President by and with the advice and consent of the Senate), and a legislative assembly, consisting of a council and house of delegates; providing for the appointment of a board of public works; and authorizing the election of a Delegate to represent the District in Congress.

The Territorial government thus established was in its turn abolished by the provisions of an act of Congress, entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874. This act provided for the appointment by the President, by and with the advice and consent of the Senate, of a Board of Commissioners, three in number; that such board should "exercise all the power and authority now lawfully vested in the governor and board of public works" of the District of Columbia, with certain unimportant limitations; and limited the representation in Congress to the term of the then incumbent.

Since June 20, 1874, the Government of the District of Columbia has accordingly been administered by a Board of Commissioners, appointed by the President, in pursuance of the act of Congress of that date.

DERIVATION OF NAMES OF THE THIRTEEN ORIGINAL STATES.

Delaware (after Lord de la War); Pennsylvania (Penn's "Sylva"—woods); New Jersey (after the Isle of Jersey); Georgia (after George II. of England); Connecticut (Indian, Qunni-tuk-ut—Upon the long river); Massachusetts (Indian—About the great hills); Maryland (after Henrietta Maria, Queen of Charles I. of England); South Carolina (after Charles I. of England); New Hampshire (after the county of Hampshire, England); Virginia (in honor of Queen Elizabeth of England, Virgin Queen); New York (after Duke of York—afterwards James II. of England); North Carolina (after Charles I. of England); Rhode Island (after the Island of Rhodes).

FRONTIER AND COAST LINE OF THE UNITED STATES.

The United States has a frontier of about 10,000 miles; 3,500 of which is sea coast, 1,600 Gulf coast, and 1,500 lake coast, or, more distinctly, as follows:

	Miles.
Length of the Atlantic coast, from the mouth of the St. Croix to the St. Mary's River	1,450
Length of the Atlantic coast, from St. Mary's River to Cape of Florida	450
Length of Gulf coast from Cape of Florida to the mouth of the Sabine River	1,200
Length of Gulf coast acquired by annexation of Texas, from the Sabine to the Rio Grande	400
Length of Pacific coast—in California, 970; in Oregon, 500; Straits of Juan de Fuca, 150	1,620
Total	5,120

Leaving a land frontier line of about 4,880 miles.

POPULATION OF THE COLONIES.

In 1624 there was an emigration of 9,000; in 1649 the colonies numbered 15,000; in 1689 the colonies numbered 200,000; in 1715 the colonies numbered 434,600; in 1733 the colonies numbered 750,000; in 1776 population of the United States was 2,243,000.

POPULATION OF THE UNITED STATES.

The population of the United States in 1790 was 3,929,214; in 1800, 5,308,483; in 1810, 7,239,881; in 1820, 9,633,822; in 1830, 12,866,020; in 1840, 17,069,453; in 1850, 23,191,876; in 1860, 31,443,321; in 1870, 38,925,598; in 1880, 50,152,866.

REFERENCES.

Bancroft's History of the United States.
Hilliard's History of the United States.
Congressional Annals Debates, Globe and Record, 1789 to 1880.
Charters and Constitutions. 2 vols. Ben: Perley Poore.
Constitution of the United States. Hickey; Alexander Cummings' Revision.
Journals of the Senate and House of Representatives of the United States, 1789 to 1880.
Statutes at Large United States. Little, Brown & Co.
Reports of Commissioner Indian Affairs to 1880.
Areas of political divisions of the United States. J. W. Stocking. Ninth Census.
Reports Supreme Court United States.

CHAPTER XXXIV.

TENURES IN THE AMERICAN COLONIES.

FORM OF GOVERNMENT AND LAND TENURES IN THE AMERICAN COLONIES, WITH EXAMPLES OF WARRANTS, MANNER OF LOCATION, AND METHODS OF SURVEYS.

At the period of the Revolutionary War, although the thirteen colonies were under the sovereignty of Great Britain, many of their institutions and customs were of their own selection and adoption. Distance from the home government, and difference in charters or grants and forms, aided independence.

There were three forms of colonial government: The provincial, the proprietary, and the charter.

The provincial government had no fixed constitution, but was governed by commissions created at pleasure by the King. A governor and council were appointed, who were invested with general executive powers. They were authorized to call a general assembly consisting of two houses (the assembly being the lower and the council the upper house) of the representatives of the freeholders and planters of the province.

The governor had an absolute veto, and could prorogue and dissolve them.

The general assembly had power to make all local laws and ordinances for the government of the colony and its people not inconsistent with the laws of England.

At the beginning of 1776, New Hampshire, New York, Virginia, North Carolina, South Carolina, and Georgia were provinces as above defined.

The proprietary governments were grants by patents for special territory to one or more persons, from the Crown, giving them rights as proprietary or proprietaries over the soil, with general powers of government, in the nature of feudatory principalities or dependent royalties; subject, however, to control of the King.

The governors were appointed by the proprietary or proprietaries, and the legislatures were organized and called at his or their pleasure. Executive authority was performed by him or them or by the governor for the time being.

Pennsylvania and Delaware, with William Penn as proprietary, and Maryland, with Lord Baltimore as proprietary, were the three colonies with this form of government at the beginning of 1776.

Charter governments were corporations (political) created by letters patent, which gave to the grantees and their associates the soil within their territorial limits and powers of legislative government. Their charters provided a fundamental constitution for them, dividing the powers of government into three functions or heads, viz, legislative, executive, and judicial, and providing for the mode of exercising these powers, vesting them in proper officials.

Massachusetts, Rhode Island and Providence Plantation, and Connecticut, were the colonies possessing this form of government at the breaking out of the Revolutionary War of 1776.

All the colonies enjoyed generally the same rights and privileges.*

* See Story on the Constitution.

RETROSPECT OF LAWS OF THE COLONIES AS TO LANDS.

The colonial legislatures, with the restrictions necessarily arising from their dependency on Great Britain, were sovereign within the limits of their respective territories. But there was this difference among them: that in Maryland, Connecticut, and Rhode Island the laws were not required to be sent to the King for his approval, whereas in all the other colonies the King possessed the power of abrogating them, and they were not final until they had passed under his review. In respect to the mode of enacting laws there were some differences in the organization of the colonial governments. In Connecticut and Rhode Island the governor had no negative upon the laws; in Pennsylvania the council had no negative, but was merely advisory to the executive; in Massachusetts the council was chosen by the legislature, and not by the Crown, but the governor had a negative on the choice.

In all the colonies the lands within their limits were, by the very terms of their original grants and charters, to be holden of the Crown in free and common socage, and not *in capite*, or by knight's service. They were all holden either as of the manor of East Greenwich, in Kent, or of the castle of Windsor, in Berkshire. All the slavish and military part of the ancient feudal tenures was thus effectually prevented from taking root in the American soil, and the colonists escaped from the oppressive burdens which for a long time affected the parent country and were not abolished until after the restoration of Charles II. Our tenures thus acquired a universal simplicity, and it is believed that none but freehold tenures in socage were ever in use among us. No traces are to be found of copyhold or gavelkind or burgage tenures. In short, for most purposes our lands may be deemed to be perfectly allodial, or held of no superior at all, though many of the distinctions of the feudal law have necessarily insinuated themselves into the modes of acquiring, transferring, and transmitting real estates.

One of the most remarkable circumstances in our colonial history is the almost total absence of leasehold estates. The erection of manors, with all their attendant privileges, was indeed provided for in some of the charters. But it was so little congenial with the feelings, the wants, or the interests of the people, that after their erection they gradually fell into desuetude, and the few remaining in our day are but shadows of the past, the relics of faded grandeur in the last steps of decay, enjoying no privileges and conferring no power.

In fact, partly from the cheapness of land and partly from an innate love of independence, few agricultural estates in the whole country have at any time been held on lease for a stipulated rent. The tenants and occupiers are almost universally the proprietors of the soil in fee simple.

The estates of a more limited duration are principally those arising from the acts of the law, such as estates in dower and in courtesy. Strictly speaking, therefore, there has never been in this country a dependent peasantry. The yeomanry are absolute owners of the soil on which they tread, and their character has, from this circumstance, been marked by a more jealous watchfulness of their rights, and by a more steady spirit of resistance against every encroachment, than can be found among any other people whose habits and pursuits are less homogeneous and independent, less influenced by personal choice and more controlled by political circumstances.

Connected with this state of things, and, indeed, as a natural consequence flowing from it, is the simplicity of the system of conveyances by which the titles to estates are passed and the notoriety of the transfers made.

From a very early period of their settlement the colonists adopted an almost uniform mode of conveyance of land at once simple and practical and safe. The differences are so slight that they become almost evanescent. All lands were conveyed by a deed commonly in the form of a feoffment or a bargain and sale, or a lease and release, attested by one or more witnesses, acknowledged or proved before some court or magistrate, and then registered in some public registry. When so executed, acknowledged, and recorded, it has full effect to convey the estate without any livery of seizin, or any other act or ceremony whatsoever. This mode of conveyance prevailed, if not in all, in nearly all the colonies from a very early period, and it has now become absolutely universal. It is hardly possible to measure the beneficial influences upon our titles arising from this source, in point of security, facility of transfer, and marketable value.—(Story on the Constitution, volume 1.)

SURVEYS, PRICE OF LANDS, AND GRANTS IN THE COLONIES.

The land systems of the several colonies were the germs and basis of the land system of the United States. The Congresses of the early period of the Confederation and Union were composed of members from the various colonies or States who were familiar with the systems therein. From their varied experiences the most practical method was reached for the disposition of the public domain.

In all the colonies there prevailed a system of irregular allotment or sale and survey of tracts of land. This system produced confusion and litigation. The adoption of the rectangular system of surveys of the public domain grew out of the knowledge of the disputes occasioned by the crude methods which had theretofore prevailed.

In all the colonies lands were cheap, and the actual occupant or settler was preferred and protected.

In the New England colonies, Crown lands rated at from sixty cents to $1 per acre.

In New York and New Jersey, Crown or grant lands were very cheap, ranging from fifty cents to $1 per acre; and grants of large tracts were freely made. The great Patroon grants in New York, along the Hudson River, are evidences of personal land liberality hardly equaled in latter days.

In Maine, charter lands were from fifty cents upward per acre.

In the proprietary colonies, lands were very cheap, and quit rents were of small amount.

In Pennsylvania, lands ranged from sixty cents upward per acre. Quit rents were inserted in the deeds.

In Delaware, under the proprietary, and prior to this under the Swedes and Dutch, lands were allotted in irregular tracts for settlement. The prices of proprietary lands in Delaware did not vary much from those in Pennsylvania.

Pennsylvania, by reason of her liberal laws and inducements to colonists, was one of the most popular and prosperous of all the colonies up to the time of the Revolution.

In Virginia, charter and Crown lands were held at from sixty cents per acre and upward; and after 1610, were sold to colonists in tracts of one hundred acres and upward at $60 per one hundred acres.

Every immigrant, or person who sent an immigrant, received an allowance of one hundred acres of land, and one hundred acres additional when the first allowance had been actually occupied and cultivated. This was afterward reduced to fifty-acre lots, the second lot being made assignable at pleasure. After 1619, female immigrants were allowed the same privileges as males.

In the Carolinas, prior to the separation, charter and grant lands were held at nominal rates, actual settlement being the principal consideration.

Lands were granted and located in irregular tracts. Under the John Locke "Grand Model," or "fundamental constitution," lands were granted to such male persons over seventeen years of age, as had first declared themselves and been recorded as members of some church or religious profession.

Lands were granted in tracts of 10,000 acres for each one hundred planters.

According to the "Grand Model," the vast territory of Carolina, embracing the present States of North and South Carolina, Georgia, Tennessee, Alabama, and Mississippi, was to be divided into counties, each containing 480,000 acres. For each county a landgrave, and two caciques or barons, were to be created, who were to possess one-fifth of the land as inalienable property. Another fifth was to belong to the proprietaries, and the remaining three-fifths were reserved for the colonists, and might be held by lords of manors, with peculiar privileges. These landgraves and caciques were an hereditary nobility, and, together with the deputies of the proprietaries and the representatives chosen by freemen, were to constitute the parliament of the province, which was to assemble biennially. No man was eligible to any office unless he possessed property in land, and every freeman was allowed to possess absolute authority over his negro slaves, who had been early introduced and found necessary to till the soil. A man was required to own fifty acres in order to possess the elective franchise, and five hundred acres before he was eligible to parliament. Those who were merely tenants of the land were subject to perpetual degradation, "adscript to the soil," "under the jurisdiction of their lord, without appeal," "leet men or tenants to all generations."

All executive power, and even judicial, in the last resort, was vested in the proprietaries themselves, the oldest of whom received the title of Palatine, and presided in

their meetings. Each proprietary was chief of a subordinate court. A complicated series of perplexing regulations enforced the duties and limited the rights of the freeholder. The Church of England became the established religion. This constitution was soon abandoned.

After the separation, lands were granted by the Crown authorities for plantations and settlements at from forty cents to $1 per acre.

The oldest land title in North Carolina is a grant from the king of the Yeokim Indians to George Durant for the neck that bears his name in Perquimans County, North Carolina, on the north side of Albemarle Sound.

The trustees of Georgia allowed immigrants fifty acres of land each. No grant could be made for more than five hundred acres to any individual. Women could not inherit lands, which were granted in tail male. In default of male heirs estates reverted to the trustees.

After 1733, eleven townships of 20,000 acres each were laid out on the Savannah, Altamaha, and Santee rivers for immigrants, who were given lots of fifty acres each. The trustees paid to the Crown four shillings (about $1) for every one hundred acres thus disposed of.

LAND LAWS AND SYSTEM OF THE COLONY OF PENNSYLVANIA.

The Congress of the United States, during the periods of forming the government of the Confederation and afterward, sat principally at Philadelphia, Pa. The land system of the colony of Pennsylvania was perhaps the best organized and systematized of any of the colonies. Its records were at hand and were no doubt frequently referred to before the ordinance to provide for the sale of western territory was formulated. Penn's idea of surveying, set out in the warrants of survey, was to have the survey of purchased tracts made within certain townships, containing five and ten thousand acres of land. This form of township may have had some influence in the adoption of the square form of survey of townships now the mode in the rectangular system. The irregular and uncertain marking upon the ground, consequent upon surveying irregular tracts of land, and the prevalence of litigation in the colonies arising from removals of stones, and decay or felling of trees used as markings, were known to the various delegates in the Continental Congress and aided in the adoption of a uniform method of surveying and marking lands in the public domain.

PENN'S AUTHORITY OVER THE SOIL OF THE COLONY.

[Extract from the charter for the province of Pennsylvania, March 4, 1681.]

Wee do also give and grant unto the said *William Penn*, his heires and assignes, the free and undisturbed use and continuance in and passage into and out of all and singular ports, harbours, bays, waters, rivers, isles and inletts belonging unto or leading to and from the countrey or islands aforesaid; and all the soyle, lands, fields, woods, underwoods, mountains, hills, fenns, isles, lakes, rivers, waters, rivuletts, bays and inletts, scituate or being within or belonging unto the limitts and bounds aforesaid, togeather with the fishing of all sorts of fish, whales, sturgeons and all royall and other fishes, in the sea, bayes, inletts, waters or rivers within the premisses and the fish therein taken; and also all veins, mines and quarries, as well discovered as not discovered, of gold, silver, gemms, and pretious stones, and all other whatsoever, be ft stones, mettals, or of any other thing or matter whatsoever, found or to bee found within the countrey, isles or limitts aforesaid. And him, the said *William Penn*, his heires or assignes, wee doe by this our royal charter for us, our heires and successors, make, create, and constitute the true and absolute proprietarie of the countrey aforesaid and of all other the premisses, saving alwayes to us, our heires and successors, the faith and allegience of the said *William Penn*, his heires and assignes, and of all other proprietaries, tenants and inhabitants that are or shall be within the territories and precincts aforesaid; and saving also unto us, our heires and successors the sovereignty of the aforesaid countrey, *to have*, hold, possess and enjoy the said tract of land, countrey, isles, inletts and other premisses unto the said *William Penn*, his heires and assignes, to the only proper use and behoofe of the said *William Penn*, his heires and assignes forever, to be holden of us, our heirs and successors, Kings of England, as of our castle of *Windsor* in our county of Berks, in free and common socage, by fealty only for all services and not *in capite* or by knight's service, yealding and paying therefor to us, our heires and successors, two beaver skins, to bee delivered at our the said

castle of Windsor on the first day of *January* in every year and also the fifth part of all gold and silver oare which shall from time to time happen to bee found within the limitts aforesaid cleare of all charges.

And by the seventeenth section of the charter, William Penn, his heirs and assigns were—

Empowered to assign, alien, grant, demise, or enfeoff of the premises so many and such parts and parcels to him or them that shall be willing to purchase the same as they shall see fit, to have and to hold them, the said person or persons willing to take and purchase their heirs or assigns, in fee simple or fee tail, or for the term of life, lives, or years, to be held of the said William Penn, his heirs or assigns, as of the said seigniory of Windsor, by such services, customs, or rents as shall seem meet to the said William Penn, his heirs and assigns, and not immediately of us, our heirs or successors, the statute made in the Parliament of Edward, the son of King Henry, late king of England, our predecessor (commonly called the statute of *quia emptores terrarum*) lately published in our kingdom of England, in anywise notwithstanding.

And further, by section nineteen, license was granted unto Penn and his heirs, and likewise to all and every such person or persons to whom the said Penn or his heirs shall at any time hereafter grant any estate or inheritance as aforesaid, to erect any parcels of land within the province aforesaid into manors, by and with the license to be first had and obtained for that purpose under the hand and seal of the said William Penn or his heirs; and in every of the said manors to have and to hold a court baron, with all things whatsoever which to a court baron do belong. And that every such person or persons who shall erect any such manor or manors aforesaid shall or may grant all or any part of his said land to any person or persons in fee simple or any other estate respectively, so as no further tenure shall be created, but that upon all further or other alienation thereafter to be made the said lands so aliened shall be held of the same landlord or his heirs.

Thus, by express provisions, the province was a feudal seigniory, of which Penn and his heirs were the lords proprietaries with the power of subinfeudation in fee, which had been taken away in England by the statute of *quia emptores*. The king was the lord paramount, the proprietary the mesne, and his grantees tenants paravail.

THE LAND SYSTEM OF PENNSYLVANIA—METHOD OF GRANTING LANDS.

The proprietaries of Pennsylvania were authorized by the charter to convey and receive lands in fee. From the arrival of Penn to 1776 the proprietaries granted in person or through agents. William Markham, April 10, 1681, was authorized by Penn "to survey, set out, and sell lands." Markham issued warrants in pursuance of this authority. Penn while in Pennsylvania at various times signed warrants and patents in person; while absent he lodged this power in commissions of from three to four persons, called commissioners of property, who superintended the granting of lands within the province and signed warrants and patents therefor.

These several commissioners occupied a land office. The land officers consisted of the persons who were in any wise connected with the disposition of lands in the province. The several divisions were in charge of the secretary of the land office, the surveyor and receiver general. The commissioners of property were ex-officio members. All the officials were appointed by the proprietaries. Prior to about 1740, land warrants bore the seal of the province. After that period they have the seal of the land office.

The board of property was an important branch of the land service in the province. It consisted of all the officers of the land office, and had jurisdiction over all disputes concerning original land titles. It was not a court, nor were their decisions binding upon the judiciary. They were experts well versed in land laws. The system was continued in many features by the State after 1776.

Penn's first deeds of conveyance of lands in Pennsylvania were by deeds of lease and release, and were executed in England. "They conveyed ——— acres of land to be allotted and set out in such place or parts of the said tract, and at such time or times, and in such manner as by certain conditions and concessions are limited and appointed." These deeds reserved quit-rents and contained covenants by Penn agreeing to extinguish

the Indian title. The purchasers were to record their deeds within six months after the establishment of a rolls-office in the province.

Thomas Holmes was the first surveyor-general. He laid out tracts for the first settlers. They were irregular in form and marked by natural objects. First settlers applied in writing to the proprietary or commissioners of property, who thereupon issued a warrant to the surveyor-general in form running as follows:

PROPRIETARY WARRANT, PENNSYLVANIA.

PENNSYLVANIA, *ss:*

By the Proprietaries:

[SEAL.] Whereas William Davison, of the county of Cumberland, hath requested that we would grant him to take up two hundred acres of land, including his dwelling plantation, late Richard Venable's, adjoining William Wilson & Henry Dinsmore, in Pennsboro Township, in the said county of Cumberland, for which he agrees to pay to our use fifteen pounds ten shillings, current money of this province, for each hundred acres, with lawful interest for the same, and the yearly quit-rent of one halfpenny sterling for every acre thereof, both to commence from the time of settlement. These are therefore to authorize and require you to survey, or cause to be surveyed, unto the said William Davison, at the place aforesaid, according to the method of townships appointed and the said quantity of ——— acres, if not already surveyed or appropriated; and make return thereof into the secretary's office, in order for further confirmation; for which this shall be your sufficient warrant: which survey, in case the said William Davison fulfil the above agreement within six months from the date hereof, shall be valid; otherwise void.

Given under my hand and seal of the land office by virtue of certain powers from the said proprietaries, at Philadelphia, this twenty-seventh day of July, anno Domini one thousand seven hundred and fifty-one.

JAMES HAMILTON.

To NICHOLAS SCULL,
Surveyor-General.

Persons who desired to purchase lands applied in writing to the land office, giving data as to acres and location desired. This was entered upon the records of the commissioners of property; a warrant was then issued. This warrant (above given) was an order to the surveyor-general to lay out land to the person named and make return of the same to the secretary of the land office. Before the mortgage to Gouldney and others to secure £6,600 borrowed moneys in 1708, the stipulation of payment was to William Penn or his heirs; after that time, to pay to the use of William Penn. After Penn's death and during the minority of his children by his second wife, payment was to be made to the proprietaries' trustees. These warrants were of several characters, classified as—

1. Descriptive warrants, wherein the marks or boundaries of the land to be surveyed were laid down with certainty, either precise or to a common intent. In these instances the title commenced from the date of the warrant, provided it was followed up with reasonable attention. But if a warrantee did not settle upon the land and occupy it, or abandoned his claim and failed to procure a survey or a proper return thereof within a reasonable time, he was liable to be postponed to a subsequent and more diligent claimant without notice.

2. Indescriptive or vague warrants, which did not describe the plat to be surveyed with accuracy, and which might therefore be laid out on any portion of a larger tract of country. The title in these instances dated only from the survey, and, as in the case of descriptive warrants, laches in occupying the land or in having a return of survey made might postpone the negligent warrantee.

3. Shifted warrants, where the lands actually surveyed were different from those described in the warrant. These gave a good title as against all warrantees having notice of them, and when once returned into the surveyor-general's office, and there accepted, were binding as against all claimants under warrants issued subsequent to that return.

4. Vacating warrants, which recited a former warrant, whose terms had not been complied with, and which had therefore become void, and directed a laying out of the same plat for some new claimant. These were sometimes also called special warrants.

5. Warrants of resurvey. The ignorance or haste of the early surveyors of this province, together with the great difficulties of the ground, led to the commission of many errors in the original survey of lands. It became, therefore, the custom to issue warrants of resurvey, either at the instigation of the land officers or of a purchaser who suspected that he had obtained less than the amount of land to which he was originally entitled by the requirements of his original warrant.

After July 4, 1776, the Commonwealth of Pennsylvania, as successor to the proprietary, issued warrants for vacant lands, as follows:

The vesting act of November 27, 1779, "An act for vesting the estates of the late proprietaries of Pennsylvania in this commonwealth," confirmed the State as proprietary.

STATE WARRANT FOR LANDS.

THE COMMONWEALTH OF PENNSYLVANIA, *ss:*

Whereas Daniel Leet, of the county of ——, hath requested to take up fifty acres [L. S.] of land on the south side of the Ohio River, joining Austin's settlement, sold to s'd Leet at public auction for tax in the county of Washington (provided the land is not within the last purchase made of the Indians), for which he agrees to pay immediately into the office of the receiver-general for the use of this State at the rate of 10 pounds per hundred acres in gold, silver, paper money of this State, or certificates agreeable to an act of assembly passed the first day of April, 1784, interest to commence from the date hereof. These are therefore to authorize and require you to survey or cause to be surveyed unto the said Daniel Leet, at the place aforesaid, according to the method of townships appointed, the said quantity of acres, if not already surveyed or appropriated, and to make return thereof in the secretary's office, in order for confirmation, for which this shall be your warrant.

In witness whereof, his excell'y, Benja. Franklin, esq'r, president of the supreme executive council, hath hereunto set his hand and caused the less seal of the said Commonwealth to be affixed, the twenty-fifth day of October, in the year 1787.

To JOHN LUKENS, Esq'r, *Surveyer-General.*

SURVEY OF LANDS GRANTED.

These warrants were assignable.

Warrants, first original, afterwards copies, were sent by the surveyer-general, who received them from the secretary of the land office, to a deputy Surveyor, who performed the actual work. The purchaser and the deputy went upon the ground and the outlines of the land desired were fairly and visibly marked.

The purchaser paid the deputy surveyor's fees, who then returned the record of the same to the surveyor-general's office. A survey duly returned and accepted bound the owner of the tract to the actual limits.

The claim for the purchase money was a lien upon the land until paid, and no patent would issue until final payment was made.

Patent was issued by the secretary of the land office, containing a quit-rent clause, upon certificate from the surveyor-general, giving details as to quantity and survey.

The patent was signed and sealed by the proper commissioners, and upon payment of fees to the receiver-general was delivered to the claimant.

These patents could be afterwards attacked in court as to validity of their title to the land patented.

An attempt was made in the earliest days of the province to subdivide it into townships of five or ten thousand acres each, and the surveys ordered by the warrants for a long time contained the clause "according to the methods of townships appointed by the proprietaries."

This, however, was soon abandoned, and irregular tracts were surveyed.

The influence of these various forms of warrants, equities and rights of settlers, locations and methods of location, manner of selling, and disposing of proprietary lands in this colony, can be seen in the present system of disposition of the public domain of the United States.

DEPUTY SURVEYOR'S RETURN TO A WARRANT.

The following is a diagram as returned to the surveyor-general of the province of a deputy surveyor's return to a warrant, after location and survey, showing the usual method of marking upon the ground:

Courses and distances on the creek.

Surveyed to John Salter, on the 22d May, 1776, the above-described tract of three hundred & twenty-seven acres & allowance of six p. ct., situate on both sides of Crooked Creek, about half a mile above land granted to William Sykes, in Westmoreland County, by war't of the 14th day of February, 1776.

JOHN LUKENS, ESQR., *S. Gen'l.*
JOSHUA ELDER, *D. S.*

In testimony that the above is a true copy of the original remaining in my office, I have hereunto set my hand & seal of office, at Lancaster, this 21st day of April, 1800.
[SEAL] DANIEL BROADHEAD, *S. G.*

The State of Pennsylvania after 1776 reorganized the land office, and the president of the supreme executive council issued the warrant. The price of land was reduced £15 10*s*. per hundred acres, in current money of the province, and a half-penny sterling yearly; quit rent per acre to £10 per hundred acres, in gold, silver, paper money of this State, or certificates of the stock.

The quit-rent clause was dropped after 1776.

In 1765 lands were sold at £5 per hundred acres and one penny sterling per acre quit rent. In 1732 was devised the scheme for a lottery of lands. One hundred thousand acres were set aside for this—£15 10*s*. current money for one hundred acres, amounting to £15,500. The tickets were issued at forty shillings each, and in sufficient numbers

North 1280 Perches.
Blackoak
While oak
Whiteoak
White oak
Dogwood
Edward Biddle, as Captain and Quarter Master 5120 Ac.s
Lieut.t Henry Haller.
West 640 Perches.
Capt.t Jacob Morgan.
East 640 Perches.
Sassafrass
Ash
Honey Locust
Hickory
White oak
South 280 Perches.
Great Salt Lick River.

to make the gross sum. The prizes were five lots from twenty-five acres to three thousand acres in area. Certain stipulationswere made as to where the grants should be located. The lottery was never filled. Still, purchasers of tickets used them for location, and they became in many instances the primary titles to lands. These lottery tickets contained a quit-rent clause of one shilling per acre, with a reservation of one-fifth of all gold and silver, deliverable at the pit's mouth.

William Penn, of his motion, made grants with peculiar rentals and considerations. He gave to Andrew Hamilton a grant—

in consideration of sundry good services by him done to our family, two several pieces of land, part of our manor of Springettsburg, in the County of Philadelphia, to be holden of us, our heirs and successors, proprietaries of Pennsylvania, * * * yealding and paying therefor, yearly, to us, our heirs and successors, at the city of Philadelphia, at or upon the first day of March in every year from the survey thereof, one beaver skin to such person or persons as shall from time to time be appointed to receive the same.

He granted the city of Philadelphia a potter's field—now Washington Square—on payment of one ear of corn; and the land upon which the city of Easton now stands on payment of a red rose (as of the manor of Northampton) to the head of the family at Christmas.

For much curious learning and exact information relating to lands under the colonial proprietaryship see Sergeant's "Land Laws of Pennsylvania;" "Law of Ground Rents in Pennsylvania," by Richard M. Cadwalader, and "Land Titles in Philadelphia," by Lawrence Lewis, jr.

LOCATION OF A GRANT IN VIRGINIA UNDER THE KING'S PROCLAMATION OF 1763.

The following survey of a grant of land in Virginia, with a form of deed usual at that date, is herewith given. It was a land bounty for military services. The plat of survey and location returned by the deputy surveyor shows the manner of marking upon the ground and location of a warrant.

Land on Salt Lick Creek emptying into the Ohio River in Virginia.

[See diagram of method of location facing this page.]

In pursuance of His Majestie's proclamation of 1763, on the 24th day of July, 1773, for Edward Biddle, esq'r, who was a captain & quartermaster in the Pennsylv'a regiment, the above-described tract of land, situate on the waters of Salt Lick Creek, the waters of the Ohio, in the Colony of Virginia, containing five thousand one hundred & twenty acres.

F. WM. THOMPSON.

Deed of conveyance.

To all persons to whom these presents shall come:

Edward Biddle, of Reading, in the county of Berks, the person above named, sends greeting. Know ye that the said Edward Biddle, for and in consideration of one hundred pounds, lawful money of Pennsylv'a, to him in hand paid by the Rever'nd Thomas Barton, hath granted, bargained, and sold, and by these presents he, the said Edward Biddle, doth grant, bargain, and sell all his, the said Edward Biddle, right, title, claim, interest, and demand of, in, and to the said tract of five thousand one hundred and twenty acres as the same is laid down and before described. To have and to hold all his, the said Edward Biddle's, estate, right, and title of, in, and to the same unto the said Thomas Barton, his heirs, and assigns forever.

In witness whereof the said Edward Biddle hath hereunto set his hand & seal the 24th November, anno Domini 1773.

EDWD. BIDDLE. [SEAL.]

Sealed and delivered in the presence of us:
JAMES SMITH,
ROBERT MCKENZIE.

The foregoing is a true copy of the original draught & certificate from William Thompson & grant thereunder, written from Edward Biddle to me, now remaining in my hands.

Witness my hand the 17th December, 1773.

THO. BARTON.

FORMS OF WARRANTS FOR LANDS IN MARYLAND.

The two following examples of warrants for lands in Maryland under the proprietary are given. The charter of Maryland to Lord Baltimore and his heirs in succession, for the province of Maryland, and by which they became lords proprietary, was in consideration of the province being held of the Crown of England; the proprietary forever rendering annually to the Crown "two Indian arrows for the same."

A grant of date September 30, 1724, by Benedict Leonard Calvert, Lord Proprietary.

MARYLAND, *s't:*

Charles, absolute lord and proprietary of the provinces of Maryland, and Avalon, lord baron of Baltimore, &c., to all persons to whom these presents shall come, greeting in our Lord God Everlasting:

Know ye that for and in consideration that Arthur Nelson, of Prince George's County, in our said province of Maryland, hath due unto him three hundred and fifty-six acres of land within our said province by virtue of a warrant for that quantity granted him the twentieth day of August, seventeen hundred and twenty-four, as appears in our land office, and upon such conditions & termes as are expressed in our conditions of plantation of our said province, bearing date the fifth day of Aprill, sixteen hundred & eighty-four, and remaining upon record in our said province, together with such alterations as in them is made by our further conditions bearing date the fourth day of December, sixteen hundred and ninety-six, together also with the alterations made by our instructions bearing date at London the twelfth day of September, seventeen hundred & twelve, and registered in our land office of our said province: We do therefore hereby grant unto him, the said Arthur Nelson, all that tract of land called Nelson's Island, lying in Prince George's County, beginning at a bounded ash standing on the north side of Coynoy Island, in Potomock River, above Monococy, & running thence south thirty-seven degrs., east sixty p'ches; then south twenty degrs., east twenty ps.; then south forty degrs., east sixty pches; then south thirty-two degrs., east twenty pches.; then southeast sixty-four perches; then north sixty-nine & a half degrs., west one hundred and one perches; then north seventy-five degrs., west fifty perches; then north sixty-seven degrs., west sixty perches; then north sixty degrs., west forty ps.; then north forty-eight degrs., west fifty-one perches; then north thirty-four degrs., west thirty-two ps.; then north twenty-seven degrs., west twenty ps.; then north fourteen degrs., west fourteen pches.; then north twenty-three degrs., west eighteen p'ches; then north eighteen p'ches; then north eighty degrs.; east fourteen ps.; then east thirty-two ps.; then south seventy-three degrs., east sixty p'ches; then south sixty-six degrs., east sixty-six ps.; then north forty-nine degrs. east forty-eight p'ches; then north forty-two degrs. west twenty-one p'ches; then north sixty-two degrs. west ten p'ches; then north fifty-five degrees west twenty p'ches; then north sev'ty degrs west sixty p'ches; then north seventy-eight degrs. west twenty-four p'ches; then north seventy degrees west fifty p'ches; then north sixty-three degrs. west seventy-one p'ches; then north fifty-three degrees east forty-two perches; then east thirty-four perches; then south seventy degrees east eighty perches; then north twenty-five degrees east forty perches; then south seventy-seven degrees east fifty perches; then north thirty-seven degrees east one hundred and thirty perches; then south twenty-five degrees east one hundred fifty-six perches; then south seventy degrees west one hundred twenty-two perches; then south thirty-three degrs. east fifty perches; then with a straight line to the beginning tree, containing and now laid out for three hundred fifty-six acres of land more or less, according to the certificate of survey thereof taken & returned into our land office, bearing date the eighteenth day of February, seventeen hundred and twenty-four, & there remaining, together with all rights, profits, benefits, and priviledges thereunto belonging (royall mines excepted), to have and to hold the same unto him the said Arthur Nelson, his heirs and assigns forever, to be holden of us and of our heirs as of our mannor of Calverton in free and common soccage by ffealty only for all manner of services yeilding & paying therefore yearly unto us and our heirs at our receipt at the city of S., maried at the two most usuall ffeasts in the year, viz: the feast of the annunciation of the Blessed Virgin Mary and S. Michaell, the archangell by even and equall portions the rent of fourteen shillings and three pence sterling in silver or gold; and for a fine upon every alienation of the said land or any part or parcell thereof one whole year's rent in silver or gold or the full value thereof in such commodities as we and our heirs or such officer or officers as shall be appointed by us and our heirs from time to time to collect & receive the same shall accept in discharge thereof at the choice of us & our heirs or such officer or officers afores'd: *Pro-*

vided, that if the said sum for a fine for alienation shall not be paid unto us & our heirs or such officer or officers afores'd before such alienation and the s'd alienation entered upon record either in the prov'll court or county court where the same parcell of land lyeth, within one month next after such alienation, then the said alienation shall be void and of no effect. Given under our great seal at armes this thirteenth day of September, seventeen hundred and twenty-eight.

Witness our Dear Brother Benedict Leonard Calvert, esq., governor and commander-in-chief in and over our said province of Maryland, chancellour and keeper of the great seale thereof.

BEN'DT LEON'D CALVERT, [HAND.]

(Heavy wax seal attached by tape.)
(Endorsed.)

PRINCE GEORGE'S COUNTY.

Mr. Arthur Nelson, 356 acres of land.
Passed Nelson's Island.
Recorded in the land records of Maryland, Lib. P. L. N. No. 7, page 450.
Examined.

J. LAWSON, *Ex'r.*

The following is a warrant issued in Maryland, in 1761, by Horatio Sharpe, lieutenant-general and chief governor of the province of Maryland:

MARYLAND, *ss :*

FREDERICK, absolute lord and proprietary of the provinces of *Maryland* and *Avalon*, lord baron of Baltimore, &c, to all persons to whom these presents shall come greeting in our Lord GOD everlasting

KNOW YE, that for and in consideration that Arthur Nelson of Frederick County in our said province of Maryland hath due unto him thirty acres of land within our said province by virtue of a warrant for that quantity granted him by renewment the twenty-second day of September, seventeen hundred and sixty-one, as appears in our land office, and upon such conditions and terms as are expressed in our conditions of plantation of our said province, bearing date the fifth day of *April*, sixteen hundred and eighty-four, and remaining upon record in our said province; *together* with such alterations as in them are made by our further conditions bearing date the fourth day of *December*, sixteen hundred and ninety six; *together* also with the alterations made by our instructions bearing date at *London*, the twelfth day of *September*, seventeen hundred and twelve, and registered in our secretary's office of our said province; *together* with a paragraph of our instructions bearing date at *London*, the fifteenth day of *December*, seventeen hundred and thirty-eight, and registered in our land office. WE DO therefore hereby grant unto him the said Arthur Nelson all that tract or parcell of land called the Point of Rocks, lying in the aforesaid county, beginning at the end of the twenty-eighth line of a tract of land called Nelson's Island, the line being north fifty-three degrees east, running thence north eighty-six degrees west eighteen perches; north fifty-two degrees west twenty-four perches; south sixty-nine degrees east eighteen perches; north seventy-five and an half degrees east twenty-two perches; north thirty degrees east fifty-four perches; north eight degrees east eighteen perches; north seventy-eight degrees east twenty perches; south fifty-three degrees east seventy-seven perches, then by a straight line to the beginning, containing and now laid out for thirty acres of land, according to the certificate of survey thereof, taken and returned into our land office, bearing date the seventh day of October, seventeen hundred and sixty-one, and there remaining, together with all rights, profits, benefits, and privileges, thereunto belonging, royal mines excepted, TO HAVE AND TO HOLD the same, unto him the said Arthur Nelson, his heirs and assigns, forever, to be holden of us and our heirs, as of our manor of Conegocheege in free and common soccage, by fealty only for all manner of services, YIELDING AND PAYING therefore, yearly, unto us, and our heirs, at our receipt at our city of *St. Mary's* at two most usual feasts in the year, viz., the feast of the annunciation of the Blessed Virgin *Mary* and *St. Michael*, the archangel, by even and equal portions, the rent of one shilling and two pence half-penny sterling, in silver or gold; and for a fine upon every alienation of the said land, or any part or parcel thereof, one whole year's rent, in silver or gold, or the full value thereof, in such commodities as we and our heirs, or such officer or officers as shall be appointed by us and our heirs from time to time, to collect and receive the same, shall accept in discharge thereof, at the choice of us and our heirs, or such officer or officers aforesaid: PROVIDED, that if the said sum for a fine for alienation shall not be paid unto us and our heirs, or such officer or officers aforesaid, before such alienation, and the said alienation entered upon record, either in the provincial court, or county court, where the

same parcel of land lieth, within one month next after such alienation, then the said alienation shall be void and of no affect. GIVEN under our great seal of our said province of *Maryland*, this seventh day of October, *anno Domini* seventeen hundred and sixty-one.

WITNESS our trusty and well-beloved HORATIO SHARPE, Esq., lieutenant-general and chief governor of our said province of *Maryland*, and chancellor and keeper of the great seal thereof.

(Heavy wax seal attached by tape.) HORO. SHARPE.

(Endorsed:)

Mr. Arthur Nelson's patent 30 acres.
The Point of Rocks.
Recorded in records of lands, S. No. 15, pg. 597.

WM. STEWART, *Rd.*

CHAPTER XXXV.

METHODS OF SURVEY AND DISPOSITION OF PUBLIC OR CROWN LANDS IN CANADA, AUSTRALIA, BRAZIL, AND MEXICO.

The following several sections will show the methods of survey and disposition of public or Crown domain in the several countries named:

THE DOMINION OF CANADA.

Area, 3,483,952 square miles, or 2,229,729,280 acres.

The commissioner of lands of the Dominion of Canada, Lindsey Russell, esq., is appointed by and subject to the minister of the interior, and resides at Ottawa.

The Crown domains of the several provinces are disposed of under special laws, but the vast area of Dominion lands (corresponding with the public domain of the United States) is disposed of under the provisions of the statute known as the 42d Victoria, May 15, 1879.

Agents, known as agents of Dominion lands, are appointed in the several Territories, viz, Manitoba, Kerwatin, and Northwest Territories. These agents give notice, by publication, of the filing of maps of survey and that the lands are open to cash sale or settlement.

Surveyed townships are grouped into "districts," which are numbered from No. 1. These districts each have an agent at a local office. They are subordinate to the agent of the Territory, who is subordinate to the commissioner of the land office at Ottawa.

The Dominion does not control public lands in some of the provinces. A surveyor-general of the Dominion is also appointed, under whom the surveys are made. His office is at Ottawa, in the department of the interior. The law relating to the Dominion lands is here given entire. It will be noticed that this statute gives the executive charged with the control and disposition of the public domain large discretionary authority.

The body of this act is based upon the best features of the land system of the United States, with beneficial additions. Many features of this statute could be engrafted upon our system with profit.

LAW RELATING TO PUBLIC LANDS IN CANADA.

42 Victoria, Chap. 31.

[AN ACT to amend and consolidate the several acts respecting the public lands of the Dominion.—Assented to 15th May, 1879.]

Whereas it is expedient with a view to the proper and efficient administration and management of certain of the public lands of the Dominion, that the same should be regulated by statute, and divers acts have been passed for that purpose which it is expedient to amend and consolidate: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PRELIMINARY—INTERPRETATION.

1. This act shall apply exclusively to the lands included in Manitoba and the several territories of the Dominion, which lands shall be styled and known as Dominion lands; and this act shall be known and may be cited as the "Dominion lands act 1879," and the following terms and expressions therein shall be held to have the meaning hereinafter assigned them, unless such meaning be repugnant to the subject or inconsistent with the context; that is to say:

1. The term Minister of the Interior means the Minister of the Interior of Canada.

2. The term surveyor-general means the said officer, or, in his absence, the chief clerk performing his duties for the time being.

3. The term agent or officer means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; and the term local agent means the agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the term land office means the office of any such agent.

4. The term Dominion land surveyor means a surveyor duly authorized under the provisions of this act to survey Dominion lands.

5. The term Crown timber agent means the local officer appointed to collect dues and to perform such other duties as may be assigned to such officer, in respect to the timber on Dominion lands.

6. The term island, as used in connection with timber, means an isolated grove or clump of timber in prairie.

7. The term belt, as used in connection with timber, means a strip of timber along the shore of a lake, river, or water course.

8. The term section means a section of this act distinguished by a separate number and the term subsection means a subdivision of any clause distinguished by a separate number or letter, in smaller type.

9. The term Canada Gazette means the official gazette of the government, published at Ottawa.

DOMINION LANDS OFFICE.

2. The department of the Minister of the Interior of Canada shall be charged with the administration and management of the Dominion lands.

1. Such administration and management shall be effected through a branch of the said department, to be known and designated as "The Dominion lands office."

2. Copies of any records, documents, plans, books, or papers belonging to or deposited in the said office, attested under the signature of the Minister of the Interior or the surveyor-general, and of plans or documents in any Dominion lands or surveys office in Manitoba or the Northwest Territories, attested under the signature of the agent or inspector of surveys, as the case may be, in charge of such office, shall be competent evidence in all cases in which the original records, documents, books, plans, or papers could be evidence.

3. No person employed in or under the Dominion lands office shall purchase any of such lands, except under authority of an order in council, or shall locate military or bounty land warrants, or land scrip, or act as agent of any other persons in such behalf.

SYSTEM OF SURVEY.

3. Subject always to the provisions hereinafter made with respect to special cases—

1. The Dominion lands shall be laid off in quadrilateral townships, containing thirty-six sections of one mile square in each (except in the case of those sections rendered irregular by the convergence or divergence of meridians as hereinafter mentioned), together with road allowances of one chain and fifty links in width, between all townships and sections.

2. The sections shall be bounded and numbered as shewn by the following diagram:

N.

W. / E.

31	32	33	34	35	36
30	29	28	27	26	25
19	20	21	22	23	24
18	17	16	15	14	13
7	8	9	10	11	12
6	5	4	3	2	1

S.

3. The township therefore will, subject to deficiency or surplus from converging or diverging meridians, as the case may be, measure on each side, from centre to centre

of the road allowances bounding the same, four hundred and eighty-nine chains: Provided that the Governor in council may hereafter, should the same be deemed expedient, reduce the width of the road allowances on township and section lines in that part of the territory lying north of the line between townships eighteen and nineteen, and east of the tenth range east of the principal meridian, and west of the fourteenth range west of the said meridian.

4. The lines bounding townships on the east and west sides shall, in all cases, be true meridians, and those on the north and south sides shall be cords intersecting circles of latitude passing through the angles of the townships.

5. The townships shall be numbered in regular order northerly from the international boundary or forty-ninth parallel of latitude, and shall lie in ranges numbered, in Manitoba, east and west from a certain meridian line run in the year 1869, styled the "Principal meridian," drawn northerly from the said forty-ninth parallel at a point ten miles or thereabouts westwardly from Pembina.

6. In the territories east and west of Manitoba such other governing or guide meridians may be adopted and confirmed by the governor in council as may, from time to time, become expedient.

7. The townships shall be laid out the precise width of four hundred and eighty-nine chains, as aforesaid, on the base lines hereinafter mentioned, and the meridians between townships shall be drawn from such bases, north or south to the depth of two townships, that is to say, to the correction lines hereinafter mentioned.

8. The said forty-ninth parallel or international boundary shall be the first base line, or that for townships one and two. The second base line shall be between townships four and five, the third between townships eight and nine, the fourth between townships twelve and thirteen, the fifth between townships sixteen and seventeen, and so on northerly in regular succession.

9. The correction lines, or those upon which the "jog" resulting from the want of parallelism of meridians shall be allowed, will be as follows, that is to say, on the line between townships two and three, on that between six and seven, on that between ten and eleven, and so on. In other words, they will be those township lines running east and west which are equi-distant from the bases at the depth of two townships.

10. Each section shall be divided into quarter sections of one hundred and sixty acres, more or less, subject to the provisions hereinafter made.

11. In the survey of any and every township, the deficiency or surplus, as the case may be, resulting from convergence or divergence of meridians shall be allowed in the range of quarter sections adjoining the west boundary of the township, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter sections adjoining, and north or south respectively of the said correction lines.

12. The dimensions and area of the irregular quarter sections resulting from the provision in the next preceding clause, whether the same be deficient or in excess, shall, in all cases, be returned by the surveyor at their actual measurements and contents.

13. Preliminary to the subdivision into townships and sections of any given portion of country proposed to be laid out for settlement, the same shall be laid out into blocks of four townships each, by projecting the base and correction lines, and east and west meridian boundaries of each block:

1. On these lines, at the time of the survey, all township, section, and quarter section corners shall be marked, which corners shall govern, respectively, in the subsequent subdivision of the block.

2. Only a single row of posts or monuments to indicate the corners of townships, or sections (except as hereinafter provided), shall be placed on any survey line. These posts or monuments, as an invariable rule (with the exception above referred to), shall be placed in the west limit of the road allowances, on north and south lines, and in the south limit of road allowances, on east and west lines; and in all cases shall fix and govern the position of the boundary corner between the two adjoining townships, sections, or quarter sections on the opposite side of the road allowance

3. Provided that in the case of the township, section, and quarter section corners on correction lines, posts or monuments shall in all cases be planted and marked independently for the townships on either side; those for the townships north of the line, in the north limit of the road allowance; and those for the townships south, in the south limit.

14. The township subdivision surveys of the Dominion lands, according to the system above described, shall be carried out and shall be performed by contract at a certain rate per mile or per acre, fixed from time to time by the governor in council.

15. Legal subdivisions as applicable to the survey, sale, and granting of the Dominion lands, shall be as follows: and it shall be sufficient that such legal subdivisions be severally, as the case may require, designated and described by such names or numbers and areas for letters patent, that is to say:

1. A section or 640 acres;
   A half section or 320 acres;

A quarter section of 160 acres;
A half quarter section or 80 acres;
A quarter quarter section or 40 acres.

2. To facilitate the descriptions for letters patent of less than a half quarter section, the quarter sections composing every section in accordance with the boundaries of the same as planted or placed in the original survey, shall be supposed to be divided into quarter quarter sections, or forty acres, and such quarter quarter sections shall be numbered as shewn in the following diagram, which is intended to shew the above proposed subdivisions of a section.

N.

	13	14	12	16	
	12	11	10	9	
W.	5	6	7	8	E.
	4	3	2	1	

S.

3. The area of any legal subdivision as above set forth, in letters patent, shall be held to be more or less, and shall in each case be represented by the exact quantity as given to such subdivision in the original survey.

16. Provided that nothing in this act shall be construed to prevent the lands upon the Red and Assineboine rivers surrendered by the Indians to the late Earl of Selkirk, from being laid out in such manner as may be necessary in order to carry out section thirty-two of the act thirty-third Victoria, chapter three, or to prevent fractional sections or lands bordering on any river, lake, or other water course or public road, from being divided; or such lands from being laid out in lots of any certain frontage and depth, in such manner as may appear desirable; or to prevent the subdivision of sections or other legal subdivisions into wood lots as hereinafter provided; or from describing the said lands upon the Red and Assineboine rivers, or such subdivisions of fractional sections, or other lots, or wood lots, for patent, by numbers according to a plan of record, or by metes and bounds, or by both, as may seem expedient.

DISPOSAL OF THE DOMINION LANDS.

LANDS RESERVED BY THE HUDSON'S BAY COMPANY.

17. Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the crown, the said company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the "Fertile Belt":

And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot; and whereas the said company and the government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one-twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth:

And whereas it is found by computation that the said one-twentieth will be exactly met, by allotting in every fifth township two whole sections of six hundred and forty acres each, and in all other townships one section and three quarters of a section each, therefore—

In every fifth township in the said territory; that is to say: in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections Nos. 8 and 26, and in each and every of the other townships, the whole of section No. 8, and the south half and northwest quarter of section 26 (except in the cases hereinafter provided for), shall be known and designated as the lands of the said company.

18. Provided that the company's one twentieth of the lands in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships—the allotment thereof to be effected by the minister of the interior and the said company, or some person duly authorized by them respectively.

19. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bona fide* settled on under the authority of any order in council, or of this act, then if the company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied.

20. Provided also, as regards the sections and parts of sections as mentioned in clause seventeen, that where the same may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in such townships, but shall be held to be the property of the company.

2. Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the company, such one-twentieth to cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed, in which event the company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as hereinbefore enacted: Provided, nevertheless, that on such sections being surveyed as aforesaid, should the same or either of them prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township.

21. As townships are surveyed and the respective surveys therefore confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the governor of the said company shall be duly notified thereof by the surveyor-general, and thereupon this act shall operate to pass the title in fee-simple in the sections or three-quarter parts of sections to which the company will be entitled under clause seventeen, as aforesaid, and to vest the same in the said company, without requiring a patent to issue for such lands; and as regards the lands set apart by lot, and those selected to satisfy the one-twentieth in townships other than the above, as provided in clauses eighteen and nineteen, returns thereof shall be made in due course by the local agent or agents to the dominion lands office, and patents shall issue for the same accordingly.

EDUCATIONAL ENDOWMENT.

22. And whereas it is expedient to make provision in aid of education in Manitoba and the Northwest Territories, therefore sections eleven and twenty-nine in each and every surveyed township throughout the extent of the Dominion lands, shall be and are hereby set apart as an endowment for purposes of education.

1. The sections so dedicated shall be designated "school lands," and shall be dealt with in manner as hereinafter provided, and the same are hereby withdrawn from the operation of the clauses in this act relating to purchase by private entry and to homestead right, and it is hereby declared that no such right of purchase by private entry or homestead right shall be recognized in connection with the said sections or any part or parts thereof:

2. Provided, that on a township being surveyed, should such sections, or either of them, or any part of either, be found to have been settled on and improved, then and in such case the occupant or occupants conforming to the requirements of this act, shall be confirmed in such possession and the Minister of the Interior shall select a quantity equal to that found to have been so settled on from the unclaimed lands in such township, and shall withdraw the land so selected from sale and settlement, and shall set apart and publish the same as school lands, by notice in the Canada Gazette.

3. Provided further, that the land found to have been settled upon and improved as above is not embraced within the class of lands reserved from the operation of the homestead provisions of this act by subsection eighteen of section thirty-four thereof.

DISPOSAL OF SCHOOL LANDS.

23. The school lands shall be administered by the governor in council, through the minister of the interior:

1. Provided that all sales of school lands shall be at public auction, and that in no case shall such lands be put up at an upset price less than the fair value of corresponding unoccupied lands in the township in which such lands may be situate.

2. Provided, also, that the terms of sale of school lands shall be one-fifth in cash at the

time of sale, and the remainder in nine equal successive annual instalments, with interest at the rate of six per cent. per annum, to be paid with each instalment on the balance of purchase-money from time to time remaining unpaid.

3. Provided, also, that all moneys from time to time realized from the sale of school lands shall be invested in Dominion securities, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the government of the province or territory within which such lands are situated towards the support of public schools therein—the moneys so paid to be distributed with such view by the government of such province or territory in such manner as may be deemed most expedient.

MILITARY BOUNTY LAND CLAIMS.

24. In all cases in which land has heretofore been or shall hereafter be given by the Dominion for military services, warrants shall be granted in favor of the parties entitled to such land by the minister of militia and defence, and such warrants shall be recorded in the Dominion lands office in books to be kept for the purpose, and shall be located as hereinafter provided, and patents for the lands so located shall be issued accordingly.

1. Such warrants may be located by the owners thereof, in any of the Dominion lands open for sale, or may be received in payment for a homestead claim for the same number of acres, or in payment in part or in full, as the case may be, for the purchase at public or private sale of Dominion lands, at the value shewn upon their face, estimating the number of acres in the warrant at the price mentioned therein: Provided always, that no greater area than twenty per cent. of the land, exclusive of school and Hudson Bay Company lands, in any township, shall be open for entry by military bounty warrants issued after the passing of this act.

2. In accepting warrants as so much purchase-money, any deficiency shall be payable in cash; but should any payment by warrant or by amount in warrants, be in excess, the government will not return any such excess.

3. In locating a warrant, should the same be for any aliquot part of a section, it must be located in a legal subdivision of corresponding extent; for instance, a warrant calling for one hundred and sixty acres must be located in a certain quarter section intact.

25. Assignments of military bounty-land warrants duly made and attested before any person entitled by law to take affidavits shall be recognized as conveying the beneficial interest therein, but no assignment of the interest of the original owner (except in the case of Red River soldiers' warrants as hereinafter mentioned) will be held as transferring such interest, unless the assignment be endorsed on the back of the warrant; and in subsequent assignments the warrant, unless the same has been lost (as hereinafter mentioned), must be attached to and form part of the claimant's or locatee's papers.

26. In all cases where an officer or soldier entitled to military bounty land dies before the issue of the warrant, or between the issue of the warrant and the location thereof, the warrant or the patent, or both, as the case may be, shall issue in favor of the legal representatives of such deceased officer or soldier, according to the law of the province or territory where the lands in question lie, who shall be ascertained in such manner and by such court, commissioners or other tribunal, as the legislature of such province shall prescribe by any act passed for that purpose, and shall be certified to the governor under such act,—or if the lands be in any territory in which there is then no legislature, then in such manner and by such commissioners as the governor in council may, from time to time, direct,—and any order in council in that behalf may vest in any commissioners under it power to summon witnesses and examine them on oath and to compel the production of documents, and generally may vest in them all such powers, and impose upon all other persons all such obligations as the Governor in council may deem necessary in order to ascertain and certify to the Governor the person or persons to whom the patent ought to issue,—and on any such certificate under this clause the patent shall issue in accordance therewith.

2. Provided that in the absence of any court, commissioners, or other tribunal established by the legislature of the province or territory within which the lands in question lie, to determine the legal representatives of such deceased officer or soldier, the minister of the interior may refer any case arising under the provisions of this section to the court authorized to be established under the act passed in the thirty-sixth year of Her Majesty's reign, chapter six, entituled "An act respecting claims to lands in Manitoba for which no patents have issued; and the provisions thereof shall be and are hereby declared to be in this respect applicable to cases arising under this section.

27. Whenever any warrant for military bounty land, issued in pursuance of this act, is lost or destroyed, whether the same may or may not have been sold and assigned by the original owner, the minister of militia and defence (such loss or destruction having been proved to his satisfaction) may, and he is hereby required to cause a new warrant of like tenor to be issued in lieu thereof, in favor of the person to whom the war-

rant belonged at the time of its loss or destruction, if he be still living, or his legal representatives as aforesaid, if he be no longer living, which new warrant may be assigned, located, and patented, and shall be of like value in every respect, with the original warrant; and in any and all such cases of re-issue, the original warrant, in whosesoever hands it may be, shall be null and void.

28. And whereas by order of the Governor in Council, dated the 25th of April, 1871, it is declared that,—

The officers and soldiers of the 1st or Ontario and the 2nd or Quebec Battalion of Rifles, then stationed in Manitoba, whether in the service or depôt companies, and not having been dismissed therefrom, should be entitled to a free grant of land, without actual residence, of one quarter section,—such grant is hereby confirmed, and the minister of militia and defence is hereby authorized and required to issue the necessary warrants therefor accordingly.

29. And whereas effect could not be given to the above-mentioned order in council, until the lands in Manitoba had been surveyed, and in the mean time many of the said men so entitled as above have assigned their interest in such free grants,—such assignments duly made and attested, and having the certificate of discharge in the case of non-commissioned officers or private soldiers attached thereto, and filed in the Dominion lands office before the issue of the warrant, shall be held to transfer in each case the interest of the man so entitled in the warrant when issued, which latter, in every such case, shall be attached, after registry, to the assignment on file, and held for delivery to the party entitled thereto, or for location.

ORDINARY PURCHASE AND SALE OF LANDS.

30. Unappropriated dominion lands, the surveys of which may have been duly made and confirmed, shall, except as otherwise hereinafter provided, be open for purchase at the rate of one dollar per acre; but no such purchase of more than a section, or six hundred and forty acres, shall be made by the same person: Provided that whenever so ordered by the Minister of the Interior such unoccupied lands as may be deemed by him expedient from time to time may be withdrawn from ordinary sale or settlement, and offered at public sale (of which sale due and sufficient notice shall be given) at the upset price of one dollar per acre, and sold to the highest bidder:

2. Provided further, that any legal subdivision or other portion of unappropriated dominion land which may include a water power, harbour, or stone-quarry, shall not be open for purchase at the rate of one dollar per acre, but the same shall be reserved from ordinary sale, to be disposed of in such manner, and on such terms and conditions, as may be fixed by the Governor in council on the report of the minister of the interior.

PAYMENTS FOR LANDS.

31. Payments for lands, purchased in the ordinary manner, shall be made in cash, except in the case of payment by scrip or in military bounty warrants as hereinbefore provided.

TOWN PLOTS, &C.

32. The minister of the interior shall have power, from time to time, to set apart and withdraw from purchase and from the homestead clauses of this act, any tract or tracts of land which it may be considered by him expedient to lay out into town or village plots, and to cause the same to be surveyed and laid out, and the lots so laid out to be sold, either by private sale and for such price as he may see fit, or at public auction.

33. The Governor in Council may also set apart and appropriate such dominion lands as he may deem expedient, for the sites of market places, gaols, court houses, places of public worship, burying grounds, schools, benevolent institutions, squares and for other like public purposes, and at any time before the issue of letters patent therefor, may alter or revoke such appropriation, as he deems expedient, and he may make free grants for the purposes aforesaid of the lands so appropriated,—the trusts and uses to which they are to be subject being expressed in the letters patent.

HOMESTEAD RIGHTS OR FREE GRANT LANDS.

34. Any person, male or female, who is the sole head of a family, or any male who has attained the age of eighteen years, shall be entitled to be entered for one hundred and sixty acres, or for a less quantity, of unappropriated dominion lands, for the purpose of securing a homestead right in respect thereof. (Form A.)

But a person obtaining such homestead entry shall be liable to the forfeiture thereof should he not become a *bona-fide* occupant of the land so entered within two months

of the date of entry, and thenceforth continue to occupy and cultivate the same as hereinafter provided.

1. The entry of a person as aforesaid for a homestead right shall entitle him, on payment of a fee equal in amount to that hereinafter prescribed for such homestead entry, to receive at the same time therewith an entry for any adjoining one hundred and sixty acres, or less quantity, of Dominion land then unclaimed, and such entry shall entitle such person to take and hold possession of and cultivate such land so entered in addition to his homestead, but not to cut wood thereon for sale or barter, and, at the expiration of the period of three years, or upon the sooner obtaining a patent for the homestead under the fifteenth subsection of this section, shall entitle him to a pre-emption of the said land so entered at the government price of one dollar per acre; but the right to claim such pre-emption shall cease and be forfeited, together with all improvements on such land, upon any forfeiture of the homestead right under this act:

2. When two or more persons have settled on and seek to obtain a title to the same land, the homestead right shall be in him who made the first settlement.

3. Provided, that in cases where both parties may have made valuable improvements, the Minister of the Interior may order a division of such land, in legal subdivisions, in such manner as may preserve to the said parties, as far as practicable, their several improvements, and further, may direct that what the land of each of such parties, as so divided, may be deficient of a quarter-section, shall be severally made up to them in legal subdivisions from unoccupied quarter-sections adjoining.

4. Questions as to the homestead right arising between different settlers shall be investigated by the local agent of the division in which the land is situated, whose report and recommendation, together with the evidence taken, shall be referred to the Minister of the Interior for decision.

5. Every person claiming a homestead right on surveyed land must, previously to settlement on such land, be duly entered therefor with the local agent within whose district such land may be situate; but in case of a claim from actual settlement in then unsurveyed lands, the claimant must file such application within three months after due notice has been received at the local office of such land having been surveyed and the survey thereof confirmed, and proof of settlement and improvement shall be made to the local agent at the time of filing such application, whereupon such claimant shall be allowed to enter, to the extent of one hundred and sixty acres, as a homestead, the land as the same may have been surveyed and laid out, upon which he may be resident, in such manner as to cover his most valuable improvements: Provided that on the survey of a township being made, the government shall not be bound to protect any person found to have settled on land which, by law or by allotment duly made, may be claimed by the Hudson's Bay Company.

6. Persons owning and occupying Dominion lands may be entered for other land lying contiguous to their lands, but the whole extent of land, including that previously owned and occupied, must not exceed one hundred and sixty acres, and must be in legal subdivisions.

7. In entries of contiguous lands, the settler must describe in his affidavit the tract he owns and is settled upon as his original farm. Actual residence on the contiguous land entered is not required, but *bona-fide* improvement and cultivation of it must be thereafter shewn for the period required by the provisions of this act.

8. A person applying for leave to be entered for lands with a view of securing a homestead right therein, shall make affidavit before the local agent according to form B in the schedule of this act.

9. Upon making this affidavit, and filing it with the local agent, and on payment to him of an office fee of ten dollars for which he shall receive a receipt from the agent, he shall be permitted to enter the land specified in the application.

10. No patent shall be granted for the land until the expiration of three years from the time of entering into possession of it, except as hereinafter provided.

11. At the expiration of three years the settler or his widow, her heirs or devisees, or if the settler leaves no widow, his heirs or devisees, upon proof to the satisfaction of the local agent, that he or his widow or his or her representatives as aforesaid, or some of them, have (except in the case of entry upon contiguous lands as hereinbefore provided) resided upon and cultivated the land for the three years next after the filing of the affidavit for entry, or in the case of a settler on unsurveyed land, who may, upon the same being surveyed, have filed his application as provided in sub-section five, upon proof, as aforesaid, that he or his widow, or his or their representatives, as aforesaid, or some of them, have resided upon and cultivated the land for the three years next preceding the application for patent, shall be entitled to a patent for the land, provided such claimant is then a subject of Her Majesty by birth or naturalization:

Provided always, that the right of the claimant to obtain a patent under the said sub-section as amended, shall be subject to the provisions of section fifteen of this act:

Provided further that, in the case of settlements being formed of immigrants in

communities, (such for instance as those of Mennonites or Icelanders,) the Minister of the Interior may vary or waive, in his discretion, the foregoing requirements as to residence and cultivation on each separate quarter-section entered as a homestead.

12. When both parents die, without having devised the land, and leaving a child or children under age, it shall be lawful for the executors (if any) of the last surviving parent, or the guardian or guardians of such child or children, with the approval of a judge of a superior court of the province or territory in which the lands lie, to sell the lands for the benefit of the infant or infants, but for no other purpose; and the purchaser, in such case, shall receive a patent for the land so purchased.

13. The title to lands shall remain in the Crown until the issue of the patent therefor, and such lands shall not be liable to be taken in execution before the issue of the patent.

14. In case it is proved to the satisfaction of the Minister of the Interior that the settler has voluntarily relinquished his claim, or has been absent from the land entered by him for more than six months in any one year without leave of absence from the Minister of the Interior, then the right to such land shall be liable to forfeiture, and may be cancelled by the said Minister, and the settler so relinquishing or abandoning his claim shall not be permitted to make more than a second entry.

15. Any person who has availed himself of the foregoing provisions may, before the expiration of the three years, obtain a patent for the land entered upon by him, including the wood lot, if any, appertaining to the same, as hereinafter provided, on paying the government price thereof at the date of entry, and making proof of settlement and cultivation for not less than twelve months from the date of entry.

16. Proof of actual settlement and cultivation shall be made by affidavit of the claimant before the local agent, corroborated on oath by two credible witnesses.

The Minister of the Interior may at any time order an inspection of any homestead or homesteads in reference to which there may be reason to believe the foregoing provisions, as regards settlement and cultivation, have not been or are not being carried out, and may, on a report of the facts, cancel the entry of such homestead or homesteads.

And in the case of a cancelled homestead, with or without improvements thereon, the same shall not be considered as of right open for fresh entry, but may be held for sale of the land and of the improvements, or of the improvements thereon, in connection with a fresh homestead entry thereof, at the discretion of the minister of the interior.

17. All assignments and transfers of homestead rights before the issue of the patent, except as hereinafter mentioned, shall be null and void, but shall be deemed evidence of abandonment of the right; and the person so assigning or transferring shall not be permitted to make a second entry:

Provided that a person whose homestead may have been recommended for patent by the local agent, the conditions in connection therewith having been duly fulfilled, may legally dispose of and convey, assign, or transfer his right and title therein.

Any person who may have obtained a homestead entry, shall be considered, unless and until such entry be cancelled, as having an exclusive right to the land so entered as against any other person or persons whomsoever, and may bring and maintain actions for trespass committed on the said land or any part thereof.

18. The above provisions relating to homesteads shall only apply to agricultural lands; that is to say, they shall not be held to apply to lands set apart as timber limits, or as hay lands, or to those lands on which coal or other valuable mineral is, at the time, known to exist, or to lands valuable for stone or marble quarries, or to those having water power thereon which may be useful for driving machinery.

GRAZING LANDS.

35. The governor in council may, from time to time, grant leases of unoccupied Dominion lands for grazing purposes to any person or persons whomsoever, for such term of years and at such rent in each case as may be deemed expedient; but every such lease shall, among other things, contain a condition by which, if it should thereafter be thought expedient by the Minister of the Interior to offer the land covered thereby for settlement, the said Minister may, on giving the lessee two years' notice, cancel the lease at any time during the term.

HAY LANDS.

36. Leases of unoccupied Dominion lands, not exceeding in any case a legal subdivision of forty acres, may be granted, for the purpose of cutting hay thereon, to any person or persons whomsoever being *bona-fide* settlers in the vicinity of such hay lands, for such term and at such rent, fixed by public auction or otherwise, as the minister of the interior may deem expedient; but such lease, except as may be otherwise specially agreed upon, shall not operate to prevent, at any time during the term thereof, the sale or settlement of the lands described therein under the provisions of

this act—the lessee being paid in such case by the purchaser or settler, for fencing or other improvements made on such land, such sum as shall be fixed by the local agent, and allowed to remove any hay he may have made.

MINING LANDS.

37. No reservation of gold, silver, iron, copper, or other mines or minerals, shall be inserted in any patent from the Crown granting any portion of the Dominion lands.

38. Any person or persons may explore for mines or minerals on any of the Dominion lands, surveyed or unsurveyed, and not then marked or staked out and claimed or occupied, and may, subject to the provisions hereinafter contained, purchase the same.

39. Mining lands, if in surveyed townships, may be acquired under the provisions herein contained, and shall be sold in legal subdivisions. When situate in unsurveyed territory and without the limits of the fertile belt, such lands shall be sold in blocks to be called mining locations; and every such mining location, except as hereinafter provided, shall be bounded by lines due north and south and due east and west, astronomically; and each such location shall correspond with one of the following dimensions, namely, eighty chains in length by forty in width, containing three hundred and twenty acres, or forty chains square, containing one hundred and sixty acres, or forty chains in length by twenty in width, containing eighty acres:

1. Provided further, that in case of certain lands proving to be rich in minerals, the Minister of the Interior shall have the power to withdraw such lands from sale, and in lieu thereof institute a system of lease.

2. The rent payable to the Crown under any such lease shall be a royalty, not to exceed two and a half per cent. on the net profits of working.

3. Provided further, that when there are two or more applicants for the same tract, and a prior right in either or any of the applicants is not established to the satisfaction of the Minister of the Interior, the same may be tendered for by the claimants on stated terms of lease, and sold to the highest bidder.

4. Provided also, that in territory supposed to contain minerals the minister of the interior may in his discretion reserve from sale alternate locations, or quarter-sections, or other legal subdivisions, with the view of subsequently offering the same either for sale or lease at public competition.

40. Mining locations in unsurveyed territory shall be surveyed by a Dominion land surveyor, and shall be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the maps of the territory in the Dominion lands office) at the cost of the applicants, who shall be required to furnish, with their application, the surveyor's plan, field notes and description thereof.

41. No distinction in price shall be made between lands supposed to contain mines or minerals and farming lands, but both classes shall be sold at the uniform price of one dollar per acre; provided that section thirty of this act as regards offering lands at public sale shall apply to coal and mineral lands also, when the same are in surveyed townships.

42. It shall also be lawful for the Minister of the Interior to exempt from the preceding provisions of this act such of the Dominion lands upon or adjoining the banks of rivers or other waters as may be supposed to contain valuable "bar," "bench," or "dry" "diggings" for gold or other precious metals; and the governor in council shall regulate, from time to time, as the same may become necessary and expedient, the nature and size of the claims containing such diggings, and shall fix the terms and conditions upon which the same shall be held and worked, and the royalty payable in respect thereof, and shall appoint and prescribe the duties of such officers as may be necessary to carry out such regulations.

INDIAN TITLE.

43. None of the provisions of this act respecting the settlement of agricultural lands, or the lease of timber lands, or the purchase and sale of mineral lands, shall be held to apply to territory the Indian title to which shall not at the time have been extinguished.

COAL LANDS.

44. Coal lands designated by the government as such are hereby withdrawn from the operation of this act as regards the rights of squatters to homesteads on the Dominion lands in advance of the surveys.

45. The minister of the interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on: Provided, that before entering on the working of such mines, such person or persons make written application to the local agent to purchase such land; such application must be accompanied by a description by a Dominion land surveyor setting forth generally the situation and the dimensions of

such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall be in the discretion of the Minister, but shall in no case exceed three hundred and twenty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same; and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for:

Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to sections 8 and 26 as hereinbefore enacted: Provided further, that the survey of the township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained:

Provided further, that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior, during the interim between the application and the survey; but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase-money which may have been paid to the Government on account thereof.

46. The Minister of the Interior, with the view of preventing undue monopoly in coal lands, may in his discretion, on a township being surveyed, exempt from the sale and settlement provisions of this act, the sections or other legal subdivisions of land which may be said to contain coal, except those on which mining may have been carried on under the next preceding clause; and the same shall be subsequently sold or otherwise dealt with in such manner as may be deemed expedient by the Governor in Council.

TIMBER AND TIMBER LANDS.

TIMBER IN TOWNSHIPS SURVEYED FOR SETTLEMENT.

47. And whereas it is expedient that the timber forming islands or belts in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers and to prevent petty monopoly, it is therefore enacted as follows:—

1. The Minister of the Interior may direct that in the subdivision of townships which may consist partly of prairie and partly of timber land, such of the sections or subdivisions of sections containing islands, belts, or other tracts of timber, shall be subdivided into such number of wood lots of not less than ten, and not more than twenty acres in each lot, as will afford, so far as the extent of wood land in the township may permit, one such wood lot to each quarter-section prairie farm in such township:

2. Provided, that neither the sections and parts of sections in each township vested in the Hudson's Bay Company by this act nor those sections set apart herein for schools, shall be subject in any way to the operation of the next preceding sub-clause:

3. The division of such wood lots shall be by squared posts, numbered from one upwards, marked with a marking iron, and planted in the section lines bounding the timber tract so laid out; and each wood lot shall front on a section road allowance:

4. Provided, that in case an island or belt of timber be found in the survey of any township to lie in a quarter-section or several quarter-sections, but in such manner that no single quarter-section shall have more of such timber than twenty-five acres, such timber shall be taken to be appurtenant to such quarter-section or quarter-sections, and shall not be further divided into wood lots.

5. The local agent, as settlers shall apply for homestead rights in the township, and in the same order as such applications shall be made, shall, if so requested, apportion a wood lot to each quarter-section so applied for not having thereon more than ten acres of timber, and such wood lot shall be paid for by the applicant at the rate of one dollar per acre, and shall be entered on the local agent's books and be returned by him as in connection with the homestead so entered; and on such homestead claimant fulfilling all the requirements of this act in that behalf, but not otherwise, a patent shall issue to him for such wood lot. Provided always, that any person to whom a wood lot was apportioned in connection with a homestead under the provisions of sub-section five of section forty-six of The Dominion Lands Act of 1872, having duly fulfilled the conditions of such homestead grant required by the said act, shall receive a patent for such wood lot as a free grant, as provided in the said sub-section, notwithstanding the repeal of the said sub-section by the act of 1874: Provided further, that the cancellation of a homestead shall carry with it the cancellation of the wood lot which may have been apportioned thereto, and also the forfeiture of the purchase money of such wood lot:

6. Provided, that any homestead claimant, who, previous to the issue of the patent, shall sell any of the timber on his claim or on the wood lot appertaining to his claim, to saw-mill proprietors or to any other than settlers for their own private use, without having previously obtained permission so to do from the Minister of the Interior, shall be guilty of a trespass, and may be prosecuted therefor before a justice of the peace, and upon conviction thereof, shall be subject to a fine or imprisonment, or both; and further, such person shall forfeit his claim absolutely.

TIMBER AND TIMBER LANDS.

48. Any tract of land covered by forest timber may be set apart as timber lands, and reserved from sale and settlement.

49. Except where it may be thought expedient by the Minister of the Interior to divide a township into two or more timber limits, the several townships composing any such tract shall each form a limit.

50. In the enactments and provisions under the present heading, *Timber and Timber Lands*, the word "timber" includes all lumber, and all products of timber hereinafter mentioned, or of any other kind whatever, including firewood or bark.

51. The right of cutting timber on such limits shall be put up at a bonus per square mile, varying according to the situation and value of the limit, and sold to the highest bidder by competition, either by tender or at public auction.

52. The purchaser shall receive a lease granting the right of cutting timber on the land for twenty-one years, and containing the following conditions, with such others as shall have been embodied in the notice of sale, that is to say:

1. The lessee to erect a sawmill or mills in connection with such limit and lease, and subject to any special conditions which may be agreed upon and stated in the lease, such mill or mills to be of capacity to cut at the rate of a thousand feet, board measure, in twenty-four hours, for every two and a half square miles of limits in the lease, or shall establish such other manufactory of wood goods as may be agreed upon as the equivalent of such mill or mills, and the lessee to work the limit, in the manner and to the extent provided in the lease, within two years from the date thereof, and during each succeeding year of the term;

2. To take from every tree he cuts down all the timber fit for use, and manufacture the same into sawn lumber or some other such saleable product as may be provided in the lease or by any regulations made under this act;

3. To prevent all unnecessary destruction of growing timber on the part of his men, and to exercise strict and constant supervision to prevent the origin or spread of fires;

4. To make returns to the government monthly, or at such other periods as may be required by the Minister of the Interior, or by regulations under this act, sworn to by him or by his agent or employé, cognizant of the facts, declaring the quantities sold or disposed of as aforesaid, of all sawn lumber, timber, railway-car stuff, ship timbers and knees, shingles, laths, cordwood or bark, or any other product of timber from the limit, in whatever form the same may be, sold or otherwise disposed of by him during such month or other period, and the price or value thereof;

5. To pay, in addition to the bonus, an annual ground-rent of two dollars per square mile, and further a royalty of five per cent. on his monthly account;

6. To keep correct books of such kind and in such form as may be provided by his lease or by regulation under this act, and to submit the same for the inspection of the collector of dues whenever required, for the purpose of verifying his returns aforesaid.

7. The lease shall describe the lands upon which the timber may be cut, and shall vest in the lessee during its continuance the right to take and keep exclusive possession of the lands so described, subject to the conditions hereinbefore provided or referred to; and such lease shall vest in the holder thereof all right of property whatsoever in all trees, timber, lumber, and other products of timber cut within the limits of the lease during the continuance thereof, whether such trees, timber and lumber or products be cut by authority of the holder of such lease or by any other person, with or without his consent; and such lease shall entitle the lessee to seize in replevin, revendication or otherwise, as his property, such timber where the same is found in the possession of any unauthorized person, and also to bring any action or suit, at law or in equity, against any party unlawfully in possession of any such timber, or of any land so leased, and to prosecute all trespassers thereon and other such offenders as aforesaid, to conviction and punishment, and to recover damages, if any: and all proceedings pending at the expiration of any such lease may be continued and completed as if the lease had not expired.

8. Such lease shall be subject to forfeiture for infraction of any one of the conditions to which it is subject, or for any fraudulent return; and in such case the Minister of the Interior shall have the right, without any suit or other proceeding at law or in equity, or compensation to the lessee, to cancel the same, and to make a new lease or disposition of the limit described therein, to any other party, at any time during the term of the lease so cancelled: Provided, that the Minister of the Interior, if he

sees fit, may refrain from forfeiting such lease for non-payment of dues, and may enforce payment of such dues in the manner hereinafter provided.

9. The lessee who faithfully carries out the above conditions shall have the refusal of the same limits, if not required for settlement, for a further term not exceeding twenty-one years, on payment of the same amount of bonus per square mile as was paid originally, and on such lessee agreeing to such conditions, and to pay such other rates as may be determined on for such second term.

10. Provided, that in cases where application may be made for limits on which to cut timber in unsurveyed territory, the Governor in Council may, on the recommendation of the Minister of the Interior, authorize the same to be leased for such bonus as may be deemed fair and reasonable—such leases to be subject nevertheless to the foregoing conditions of this section, except as to that part of sub-section one, which provides for the erection of mills, which provision, in respect to limits in unsurveyed territory may, if considered expedient by the Minister of the Interior, be dispensed with.

Provided also, that territory in which the block outlines only of townships may have been run and marked, shall be considered surveyed territory for the purposes of this section; and provided further, that the Governor in Council may, on the recommendation of the Minister of the Interior, in special cases where the same may be deemed expedient, grant licenses in either surveyed or unsurveyed territory, as the casê may be, to cut timber for one year, and renewable from year to year, in the discretion of the Minister of the Interior, at such ground rent as the minister may deem fair and reasonable; such license to be subject in all respects to the other provisions of this section, except where the same may be inconsistent herewith.

53. If, in consequence of any incorrectness in survey, or other error or cause whatsoever, a lease is found to comprise lands included in one of prior date, or any lands sold, granted, leased or lawfully set apart for any other purpose under this act, the lease first mentioned shall be void in so far as it interferes with any such previous lease, sale, grant or setting apart.

FURTHER OBLIGATIONS OF PARTIES OBTAINING LICENSES.

54. Any ground-rent, royalty or other dues to the Crown, on timber cut within any such limit, which are not paid at the time when they become due and payable, shall bear interest at the rate of six per cent. per annum, until paid, and shall be a lien on any timber cut within such limits. And whenever the ground-rent on any limit, or any royalty on any timber is not paid within three months after it becomes due under the lease or regulations in that behalf, the Crown timber agent may, with the sanction of the Minister of the Interior, seize so much of the timber cut on such limits and in the possession of the lessee or on his premises, whether sold or unsold, as will in his opinion be sufficient to secure the payment of such rent and royalty on the timber seized, and all interest and expenses of seizure and sale, and may detain the same as security for the payment thereof; and if such payment be not made within three months after such seizure, the Crown timber agent may, with such sanction as aforesaid, sell such timber by public auction, and after deducting the sum due to the Crown, the interest thereon and expenses aforesaid, he shall pay over the balance, if any, to the lessee or owner of the timber.

55. All timber cut under lease shall be liable for the payment of the Crown dues thereon, so long as and wheresoever the said timber or any part of it may be found (whether it be or be not manufactured into deals, boards or any other products); and all officers or agents employed in the collection of such dues may follow all such timber and may seize and detain the same wherever they are found until the dues thereon are paid or secured, and if payment be not made or secured within three months after such seizure, the timber may be sold by the Crown agent, and the proceeds disposed of as provided by the next preceding section.

56. And in case the payment of the Crown dues on any timber has been evaded by any lessee or other party, by the removal of such timber or products out of Canada, or otherwise, the amount of dues so evaded, and any expenses incurred by such officer or the government in enforcing payment of the said dues under this act, may be added to the dues remaining to be collected on any other timber cut on Dominion lands by the same lessee or by his authority, and be levied and collected or secured, on such timber, together with such last-mentioned dues, in the manner provided by section fifty-four; or the amount due to the Crown, of which payment has been evaded, may be recovered by action at law, in the name of the Minister of the Interior or his resident agent, in any court having jurisdiction in civil cases to the amount.

57. The Minister of the Interior may, in his discretion, take or authorize the taking of bonds or promissory notes for any money due to the Crown, interest and costs, as aforesaid, or for double the amount of all dues, fines and penalties and costs, incurred or to be incurred, and may then release any timber upon which the same would be leviable, whether under seizure or not; but the taking of such bonds or notes shall not

affect the lien and right of the Crown to enforce payment of such money on any other timber cut on the same limit, if the sums for which such bonds or notes are given are not paid when due.

LIABILITY OF PERSONS CUTTING WITHOUT AUTHORITY.

58. If any person without authority cuts, or employs or induces any other person to cut or assist in cutting, any timber of any kind, on any Dominion lands wheresoever situate, or removes or carries away, or employs or induces, or assists any other person to remove or carry away any timber of any kind, so cut from any Dominion lands as aforesaid, he shall not acquire any right to the timber so cut, or any claim for remuneration for cutting the same, preparing the same for market, or conveying the same to or towards market; and when the timber has been removed out of the reach of the Crown timber officers, or it is otherwise found impossible to seize the same, he shall, in addition to the loss of his labour and disbursements, forfeit a sum not exceeding three dollars for each tree, which, or any part of which he is proved to have cut or carried away; and such sum shall be recoverable with costs, at the suit and in the name of the Crown, in any court having jurisdiction in civil matters to the amount of the penalty,—and in all such cases the burden of proof of his authority to cut and take the timber shall lie on the party charged, and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this act, shall be sufficient proof thereof, unless the defendant proves the contrary.

1. Whenever satisfactory information, supported by affidavit made before a justice of the peace, or before any other competent officer or person, is received by any Crown timber officer or agent, that any timber has been cut without authority on Dominion lands, and describing where the same can be found,—or if any Crown timber officer or agent, from other sources of information, or his own knowledge, is aware that any timber has been cut without authority on such lands, the said agent, or officer, or either of them, may seize or cause to be seized in Her Majesty's name, the timber so reported or known to be cut, wherever it is found, and place the same under proper custody, until a decision can be had in the matter by competent authority:

2. And where the timber so reported or known to have been cut without authority, has been made up with other timber into a crib, dram, or raft, or any other manner has been so mixed up at any mill or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut without authority from other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority, and shall be liable to seizure and forfeiture accordingly, until satisfactorily separated by the holder.

3. In case any timber cut without authority on Dominion lands, or any product thereof, is seized under the provisions of this act, by any Crown timber agent or officer, he may allow such timber or product thereof to be removed and disposed of, on receiving sufficient security, by bond or otherwise, to his satisfaction for the full value thereof, or for payment of double the amount of all dues, fines, penalties and costs incurred or imposed thereon, as the case may be.

RESISTING SEIZURE—REMOVING TIMBER SEIZED—CONDEMNATION OF SUCH TIMBER.

59. An officer or person seizing timber in the discharge of his duty under this act, may, in the name of the Crown, call in any assistance necessary for securing and protecting the timber so seized; and if any person under any pretence, either by assault, force or violence, or by threat of such force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under this act, such person shall be guilty of felony, and being convicted thereof, shall be punishable accordingly.

60. If any person, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken and carried away without permission of the officer or person who seized the same or of some competent authority, any timber seized and detained for any lawful cause under this act, before the same has been declared by competent authority to have been seized without due cause, such person shall be deemed to have stolen such timber, being the property of the Crown, and to be guilty of felony, and being convicted thereof, shall be punishable accordingly.

61. All timber seized under this act on behalf of the Crown as being forfeited, shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within one month from the day of the seizure, gives notice to the seizing officer, or to the Crown timber agent or officer, under whose authority the seizure was made, that he claims or intends to claim the same; pending which the officer or agent seizing shall report the facts to the Minister of the Interior, who may order the sale of the said timber, by said officer or agent, after a notice on the spot, or at the residence or office of the person from whom it was seized, of at least thirty days; or if, within fifteen days

after the claim has been put in, the claimant shall not have instituted proceedings before a court of competent jurisdiction to contest the seizure; or if the decision of the court be against him; or should the claimant fail duly to prosecute such proceedings in the opinion of the judge before whom such case may be tried (and who may for that cause dismiss the suit on the expiration of three months from the date of which it was instituted,—anything to the contrary hereinbefore enacted notwithstanding), the timber may be confiscated and sold for the benefit of the Crown, by order of the Minister of the Interior, after a notice on the spot of at least thirty days: Provided, nevertheless, that in certain cases of timber being ascertained to have been cut without authority on any of the Dominion lands, or admitted to have been so cut by the holder thereof, the Minister of the Interior, shoud he see the cause for doing so, may impose and receive for the Crown a fine or penalty, to be levied on such timber, in addition to all costs incurred, and in default of such fine or penalty and costs being paid forthwith, may sell such timber by public sale after a notice of fifteen days, and may retain the whole proceeds of such sale, or the amount of the penalty and costs only, at the discretion of the Minister of the Interior.

GENERAL PROVISIONS.

62. Whenever any Crown timber agent or other officer or agent of the Minister of the Interior is in doubt as to whether any timber has, or has not, been cut without authority, or is or is not, liable to Crown dues on the whole or any part thereof, he may enquire of the person or persons in possession or in charge of such timber, as to when and where the same was cut: and if no satisfactory explanation, on oath or otherwise, as he may require, be given to him, he may seize and detain such timber until proof be made to the satisfaction of the Minister of the Interior, or of such Crown timber agent or officer, that such timber has not been cut without authority, and is not liable, either in whole or in part, to Crown dues of any kind; and if such proof be not made within thirty days after such seizure, such timber may be dealt with as timber cut without authority, or on which the Crown dues have not been paid according to the circumstances of the case, and the dues thereon may be recovered as provided in the fifty-fourth section.

63. And whenever any timber is seized for non-payment of Crown dues, or for any cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the Dominion lands aforesaid, the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same, or the party bringing such prosecution.

SLIDES, &C.

64. No sale or grant of any Dominion lands shall give or convey any right or title to any slide, dam, pier or boom, or other work, for the purpose of facilitating the descent of timber or saw-logs, previously constructed on such land, or on any stream passing through or along such land, unless it be expressly mentioned in the letters patent or other documents establishing such sale or grant, that such slide, dam, pier or boom, or other work, is intended to be thereby sold or granted.

1. The free use of slides, dams, piers, booms or other works on streams, to facilitate the descent of lumber and saw-logs, and the right of access thereto for the purpose of using the same and keeping them in repair, shall not in any way be interrupted or obstructed by or in virtue of any sale or grant of Dominion lands made subsequent to the construction of such works.

65. The free use, for the floating of saw-logs and other timber rafts and drams, of all streams and lakes that may be necessary for the descent of timber from Dominion lands, and the right of access to such streams and lakes, and of passing and repassing on or along the land on either side thereof, and wherever necessary for such use thereof, and over all existing or necessary portage roads past any rapids or falls, or connecting such streams or lakes, and over such roads, other than road allowances, as owing to natural obstacles, may be necessary for the taking out of timber or saw-logs from Dominion lands, and the right of constructing slides where necessary, shall continue uninterrupted, and shall not be affected or obstructed by, or in virtue of, any sale or grant of such lands.

FOREST TREE CULTURE.

66. Any person, male or female, being a subject of Her Majesty by birth or naturalization, and having attained the age of eighteen years, shall be entitled to be entered for one legal sub-division, not in any case, however, exceeding one hundred and sixty acres, of unappropriated Dominion lands as a claim for forest tree planting.

67. Application for such entry shall be made in Form F in the schedule hereto, and the person so applying shall make an affidavit before the local agent according to Form

G in the schedule hereto, and shall pay at the time of applying an office fee of ten dollars, in case such legal sub-division is one of one hundred and sixty acres, or of five dollars, in case such legal sub-division is one of eighty acres, or of two and a half dollars, in case such legal sub-division is one of forty acres, for which fee he or she shall receive a receipt and also a certificate of entry, and shall thereupon be entitled to enter into possession of the land.

68. No patent shall issue for the land so entered until the expiration of eight years from the date of entering into possession thereof, and any assignment of such land shall be null and void unless permission to make the same shall have been previously obtained from the minister of the interior.

69. At the expiration of eight years or at any time within five years after the expiration of the said term, as hereinafter provided, the person who obtained the entry, or, if not living, his or her legal representative or assigns, shall receive a patent for the land so entered on proof to the satisfaction of the local agent as follows:

1. That five acres of the land so entered, in case the same consists of a legal subdivision of one hundred and sixty acres, shall be broken or ploughed the first year after entry, and an equal quantity during the second year after entry;

2. That the five acres of the land entered, which have been broken or ploughed during the first year, shall be cultivated to crop during the second year, and the five acres broken or ploughed during the second year shall be cultivated to crop during the third year;

3. That the five acres broken or ploughed during the first year, and cultivated to crop during the second year as above provided, shall be planted in trees, tree-seeds or cuttings during the third year, and the five acres broken or ploughed during the second year, and cultivated to crop during the third year as above provided, shall be planted in trees, tree-seeds or cuttings during the fourth year:

Provided that in cases where the land entered consists of a legal sub-division less than one hundred and sixty acres, then the respective areas requiring to be broken or ploughed, cultivated to crop and planted, under this sub-section and the two sub-sections next preceding, shall be proportionately less in extent:

Provided also, that the Minister of the Interior, in his discretion, and on his being satisfied that any trees, tree-seeds, or cuttings, may have been destroyed from any cause not within the control of the person holding the tree-claim, may grant an extension of time for carrying out the provisions of the three sub-sections next preceding:

Provided also, that at the expiration of the said term of eight years, or at any time within five years thereafter, the person obtaining such tree-claim, on proving to the satisfaction of the minister of the interior that he or she has planted not less than two thousand seven hundred trees on each acre of the portion broken or ploughed and cultivated to crop as hereinbefore provided, and that at the time of applying for a patent for the tree-claim, there are then growing thereon at least six hundred and seventy-five living and thrifty trees to each acre, the claimant shall receive a patent for the legal sub-division entered.

70. If at any time the claimant fails to do the breaking up or planting or either, as required by this act, or any part thereof, or fails to cultivate, protect and keep in good condition, such timber, then and upon such event the land entered shall be liable to forfeiture in the discretion of the minister of the interior, and may be dealt with in the same manner as homesteads which may have been cancelled for non-compliance with the law as set forth in sub-section sixteen of section thirty-three of this act.

71. Provided that no person who may have obtained pre-emption entry of a quarter-section of land in addition to his homestead entry under the provisions of sub-section one, of section thirty-four of this act, shall have the right to enter a third quarter-section as a tree-planting claim; but such person, if resident upon his homestead, may have the option of changing the pre-emption entry of the quarter-section, or of a less quantity of such quarter-section, for one under the foregoing provisions, and on fulfilling the preliminary conditions as to affidavit and fee, may receive a certificate for such quarter-section, or for such quantity thereof as may have been embraced in the application; and thereupon the land included in such change of entry shall become subject in all respects to the provisions of this act relating to tree planting.

72. Any person who may have been entered for a tree-planting claim under the foregoing provisions, and whose right may not have been forfeited for non-compliance with the conditions thereof, shall have the same rights of possession, and to eject trespassers from the land entered by him as are given to persons on homesteads under subsection seventeen of section thirty-four of this act, and the title to land entered for a tree-planting claim shall remain in the government until the issue of a patent therefor, and such land shall not be liable to be taken in execution before the issue of the patent.

73. Persons who may have been entered under the provisions of the act thirty-nine Victoria, chapter nineteen, for land as a claim for tree-planting, may, if they choose to do so, avail themselves of the provisions of this act in that behalf.

PATENTS.

74. A deputy governor may be appointed by the Governor-General, who shall have the power in the absence or under instructions of the Governor-General to sign letters-patent of Dominion lands; and the signature of such deputy governor to such patents shall have the same force and virtue as if such patents were signed by the governor-general.

75. Whenever a patent has been issued to or in the name of a wrong party or contains any clerical error, misnomer or wrong or defective description of the land thereby intended to be granted, or there is in such patent an omission of the conditions of the grant, the Minister of the Interior may (there being no adverse claim) direct the defective patent to be cancelled and a correct one to be issued in its stead, which corrected patent shall relate back to the date of the one so cancelled and have the same effect as if issued at the date of such cancelled patent.

76. In all cases in which grants or letters patent have issued for the same land, inconsistent with each other, through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the minister of the interior may order a new grant equivalent in value to the land of which any grantee or purchaser is thereby deprived, at the time the same was granted; or may, in cases of sale, cause repayment to be made of the purchase-money with interest; or when the land has passed from the original purchaser, or has been improved before the discovery of the error, or when the original grant was a free grant, the Minister of the Interior may assign land or grant a certificate entitling the party to purchase Dominion lands of such value as to him, the minister of the interior, may seem just and equitable under the circumstances; but no claim under this clause shall be entertained unless it is preferred within five years after the discovery of the error.

77. Whenever, by reason of false survey, or error in the books or plans of the Dominion lands office, any grant, sale or appropriation of land is found to be deficient, the Minister of the Interior may order a free grant equal in value to the ascertained deficiency at the time such land was granted or sold; or in case any parcel of land contains less than the quantity of land mentioned in the patent therefor, the minister of the interior may order the purchase-money of so much land as is deficient, with interest thereon at the rate of six per centum per annum, from the time of the application therefor, to be paid back to the purchaser; or if the land has passed from the original purchaser, then the purchase-money which the claimant (provided he was ignorant of the deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon, from the time of the application therefor, to be paid to him in land or in money, as he, the minister of the interior, may direct; or in case of a free grant, he may order a grant of other land, equal in value to the land so intended as a free grant, at the time such grant was made; but no such claim shall be entertained unless application has been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted.

78. In all cases wherein patents for lands have issued through fraud, or in error, or improvidence, any court having competent jurisdiction in cases respecting real property in the province or place where such lands are situate, may, upon action, bill or plaint respecting such lands and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said court shall order, decree such patent to be void; and upon the registry of such decree in the office of the registrar-general of the Dominion, such patent shall be void to all intents.

79. When any settler, purchaser or other person refuses or neglects to deliver up possession of any land after forfeiture of the same under the provisions of this act, or whenever any person is wrongfully in possession of Dominion land, and refuses to vacate or abandon possession of the same, the minister of the interior may apply to a judge of any court having competent jurisdiction in cases respecting real property in the province or place in which the land lies, for an order in the form of a writ of ejectment or of *habere facias possessionem*, and the said judge, upon proof to his satisfaction that such land was so forfeited, and should properly revert to the crown, shall grant an order upon the settler or person or persons in possession, to deliver up the same to the Minister of the Interior or person by him authorized to receive such possession; and such order shall have the same force as a writ of *habere facias possessionem*, and the sheriff shall execute the same in like manner as he would execute the said writ in an action of ejectment or petitory action.

80. The Minister of the Interior shall keep a book for registering, at the option of the parties interested, any assignment of rights to Dominion lands which are assignable under this act, upon proof to his satisfaction that such assignment is in conformity with this act; and every assignment so registered shall be valid against any other previously made but subsequently registered, or unregistered; but any assignment to be registered must be unconditional, and all conditions on which the right depends must have been performed, or dispensed with by the Minister of the Interior before the assignment is registered.

81. On any application for a patent by the heir, assignee, devisee or legal representative of a party dying entitled to such patent, the Minister of the Interior may receive proof of the facts in such manner as he may see fit to require, and upon being satisfied that the claim has been justly established may allow the same and cause a patent to be issued accordingly; but nothing in this section shall limit the right of the party claiming a patent to make his application as provided for in section twenty-six of this act.

82. Every entry, receipt or certificate issued by an agent of Dominion lands shall, unless such entry shall have been revoked or cancelled by the minister of the interior, entitle the person to whom the same was granted to maintain suits at law or in equity against any wrong doer or trespasser on the lands so entered, as effectually as he could do under a patent of such land from the Crown.

SURVEYS AND SURVEYORS.

WHO SHALL BE COMPETENT TO SURVEY THE DOMINION LANDS.

83. No person shall act as surveyor of Dominion lands unless he shall, before the fourteenth day of April, 1872, have been duly qualified by certificate, diploma or commission, to survey the Crown lands in some one on the provinces of the Dominion, or shall have become qualified under the provisions hereinafter set forth.

[NOTE.—Subdivision of the lands and the interior surveys of blocks of four townships are done by contract surveyors, the exterior lines of these blocks being run and fixed by the corps of surveyors.]

1. Persons qualified under the said provisions shall be styled "Dominion land surveyors," or "Dominion topographical surveyors," as the case may be.

BOARD OF EXAMINERS.

84. There shall be a board of examiners for the examination of candidates for commissions as Dominion land surveyors, or as articled pupils, to consist of the surveyor general and eight other competent persons to be appointed from time to time by order in council, and the meetings of the board shall commence on the second Monday in the months of May and November in each year, and may be adjourned from time to time; and the place of meeting shall be at Ottawa, or at some place in Manitoba or the Northwest Territories, as the same shall, from time to time, be fixed, and made public by notice in the Canada Gazette.

1. Each member of the said board shall take an oath of office according to Form C, to be administered by a judge of any one of the superior courts in any province in the Dominion, who is hereby authorized and required to administer such oath; and any three of the said members shall form a quorum.

2. The said board shall, from time to time, appoint a fit and proper person to be secretary thereof, who shall keep a record of its proceedings.

85. No person shall be admitted as an articled pupil with any Dominion land surveyor unless he has previously passed an examination before the board of examiners, or before one of the members thereof, or before some surveyor deputed by the board for the purpose, as to his ability to write English correctly, and also as to his knowledge of vulgar and decimal fractions, the extraction of the square and cube roots, of the first three books of Euclid, the rules of plane trigonometry, the mensuration of superficies and use of logarithms, and has obtained a certificate of such examination and of his proficiency from such board.

86. Applicants for such examination, previous to being articled, shall give notice to the secretary of the board of their desire to present themselves for examination; whereupon such officer shall instruct them accordingly as to the mode in which they must proceed.

87. Any Dominion land surveyor may, by an instrument in writing, transfer a pupil, with his own consent, to any other Dominion land surveyor, with whom such pupil may serve the remainder of his term.

88. If any Dominion land surveyor dies or leaves the Dominion, or is suspended or dismissed, his pupil may complete his term under articles, as aforesaid, with any other Dominion land surveyor.

89. Articled pupils must transmit to the secretary of the board, within three months of the date of their articles, a duplicate thereof, together with a fee of two dollars for receiving and filing the same; and the said secretary shall acknowledge the receipt of such papers, and shall carefully file and keep the same with the records of the board.

90. No pupil shall be entitled to be examined before such board unless he shall have previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form D, duly executed before two witnesses, as pupils to a Dominion land surveyor, nor unless he shall produce a certificate from such surveyor of his having so served during the said period, and shall also produce satisfactory testimony as to his character for probity and sobriety.

91. Any person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, shall have been duly qualified by certificate, diploma or

commission, to survey lands in any province of the Dominion, in which, in order to be so qualified, a course of study, including the subjects prescribed by section ninety-five, is required by the law of such province, shall be entitled to obtain, without being subjected to any examination other than as regards the system of survey of Dominion lands, a commission as dominion land surveyor: Provided that it shall rest with the board of examiners to decide whether the qualifications required of a surveyor of Crown lands in such province are sufficiently similar to those set forth in the said section ninety-five of this act, to entitle him, under the foregoing provisions, to such commission: And provided further, that it must be shown that such province has reciprocated the privilege hereby granted, by granting to Dominion land surveyors, on their application, and without subjecting them to an examination except as regards a knowledge of the survey laws of such province, diplomas, certificates or commissions, as the case may be, as surveyors of lands within such province.

Land surveyors holding diplomas, certificates or commissions for provinces of the Dominion in which the qualifications required by law for surveyors are not similar to those prescribed by this act, must undergo examination by the board, and satisfactorily pass the same, in order to obtain commissions as Dominion land surveyors.

92. Any person who may have been duly admitted as a surveyor of lands in any part of Her Majesty's dominions other than Canada, shall be entitled to an examination by the said board, and to a commission, if found qualified, on his producing a written certificate of a Dominion land surveyor, that such person has within the previous two years served for one year with him continuously engaged in surveying the Dominion lands, and that he considers such person as in every way qualified to pass an examination for a commission as a Dominion land surveyor.

93. Any person who shall have followed a regular course of study in all the branches of education required by this act for admission as a Dominion land surveyor through the regular sessions for at least two years, in any college or university where there may be organized a complete course of such instruction, and who has thereupon received from such college or university a certificate, diploma or degree, vouching therefor, shall not be obliged to serve three years as aforesaid, but shall be entitled to examination after one year's service under articles with a Dominion land surveyor.

94. Every person desiring to be examined before the said board shall give due notice thereof in writing to the secretary at least one month previous to the meeting of the board, enclosing with such notice the fee hereinafter prescribed.

95. No person shall receive a commission from the said board authorizing him to practice as a Dominion land surveyor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the said board on the following subjects; that is to say: Euclid, first four books, and propositions first to twenty-first of the sixth book; plane trigonometry, so far as it includes solution of triangles; the use of logarithms, mensuration of superficies, including the calculation of the area of right-lined figures by latitude and departure, and the dividing or laying off land; a knowledge of the rules for the solution of spherical triangles, and of their use in the application to surveying of the following elementary problems of practical astronomy:

1. To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star;
2. To obtain the local time and the azimuth, from an observed altitude of the sun or a star;
3. From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter.

He must be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments, and must also be perfectly conversant with the system of survey as embodied in the "*Dominion Lands Acts*," and with the manual of standing instructions and regulations published from time to time for the guidance of Dominion land surveyors.

96. The board may examine any candidate on oath (which oath may be administered by any one of the examiners) as to his actual practice in the field and with regard to his instruments.

97. Each person passing the examination prescribed by this act shall receive a commission from the board in accordance with Form E in the schedule to this act constituting him a Dominion land surveyor, and shall jointly and severally, with two sufficient sureties to the satisfaction of the board, enter into a bond in the sum of one thousand dollars to Her Majesty, her heirs and successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe the oath of allegiance, and the following oath, before the board of examiners, any one of whom is hereby empowered to administer the same:

"I, , do solemnly swear (*or* affirm, *as the case may be*) that I will faithfully discharge the duties of a Dominion land surveyor according to law, without favour, affection, or partiality. So help me God."

1. Until the above formalities shall have been gone through, the said commission of Dominion land surveyor shall have no effect.

2. The said oaths of allegiance and of office shall be deposited in the Dominion lands office.

3. The said bond shall be deposited and kept in the manner prescribed by law with regard to the bonds given for the like purposes by other public officers of the Dominion, and shall be subject to the same provisions, and shall enure to the benefit of any party sustaining damage by breach of any condition thereof; and the commission shall be registered in the office of the registrar-general of the Dominion.

98. Any person entitled to receive or already possessing a commission as Dominion land surveyor and having previously given the notice prescribed in section ninety-four of this act, may be examined as to the knowledge he may possess of the following subjects relating to the higher surveying, qualifying him for the prosecution of extensive governing or topographic surveys or those of geographic exploration, that is to say:

1. Algebra, including quadratic equations, series, and calculation of logarithms;

2. The analytic deduction of the formulas of plane and spherical trigonometry;

3. The plane co-ordinate geometry of the point, straight line, the circle and ellipse, transformation of co-ordinates, and the determination either geometrically or analytically of the radius of curvature at any point in an eclipse;

4. Projections—the theory of those usually employed in the delineation of spheric surface;

5. Method of trigonometric surveying, of observing the angles and calculating the sides of large triangles on the earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, having a regard to the effect of the figure of the earth;

6. The portion of the theory of practical astronomy relating to the determination of the geographic position of points on the earth's surface, and the directions of lines on the same, that is to say:

Methods of determining latitude—
a. By circum-meridian altitudes,
b. By differences of meridional zenith distance (Talcott's method),
c. By transits across prime vertical;

Determination of azimuth—
a. By extra meridional observations,
b. By meridian transits;

Determination of time—
a. By equal altitudes,
b. By meridian transits;

Determination of differences of longitude—
a. By electric telegraph,
b. By moon culminations;

7. The theory of the instruments used in connection with the foregoing—that is to say, the sextant or reflecting circle, altitude and azimuth instrument, astronomic transit, zenith telescope and the management of chronometers; also of the ordinary meteorological instruments, barometer, mercury and aneroid, thermometers, ordinary and self-registering, anemometer, and rain gauges—and on their knowledge of the use of the same;

8. Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence; the ores of the common metals and the classification of rocks; and the geology of North America so far as to be able to give an intelligent outline of the leading geological features of the Dominion.

99. Persons who pass the above-mentioned examination in the higher branches of surveying, shall have the fact certified by the board, and shall be designated Dominion topographical surveyors.

100. The following fees shall be paid under the provisions of this act:

1. To the secretary of the board, by each pupil, on giving notice of his desire for examination preliminary to being articled, one dollar;

2. To the secretary of the board, as the fee due on such examination, ten dollars, and a further sum of two dollars for certificate;

3. To the secretary of the board, by each pupil, at the time of transmitting to such secretary the indentures or articles of such pupil, two dollars;

4. To the secretary of the board, by each candidate for either the ordinary or the higher examination for a commission, with his notice thereof, two dollars;

5. To the secretary of the board, by each applicant obtaining a commission, as his fee thereon, two dollars;

6. To the secretary of the board, as an admission fee by any candidate receiving a commission, twenty dollars, which sum shall also cover the certificate by the board in the case of a candidate passing the higher examination; but such amount, as also the

ten dollars required to be paid under sub-section two of this section, shall be paid to the receiver-general to the credit of Dominion lands.

101. Each of the members in attendance at the said board during examinations and the secretary shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance; and the Minister of the Interior is hereby authorized and required to pay such sums: Provided, that no member of the board, if at the time of the meeting he be over one hundred miles distant from the place of meeting, shall receive any allowance for being present at such meeting, unless such member shall have been previously specially notified to attend the same by the secretary; and in the case of the examination of a pupil previous to being articled, by a member of the board, or by a surveyor deputed by the board for such purpose, such member or such surveyor shall be paid five dollars for such examination.

102. The said board may, in their discretion, suspend or dismiss from the practice of his profession any Dominion land surveyor whom they may find guilty of gross negligence or corruption in the execution of the duties of his office; but the board shall not suspend or dismiss such Dominion land surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered both in support of the complaint, and on behalf of such surveyor.

STANDARD OF MEASURE.

103. The measure of length used in the surveys of Dominion lands shall be the English measure of length, and every Dominion land surveyor shall be in possession of a subsidiary standard thereof, which subsidiary standard, tested and stamped as correct by the department of inland revenue, shall be furnished him by the said department, on payment of a fee of three dollars therefor; and all Dominion land surveyors shall, from time to time, regulate and verify by such standard the length of their chains and other instruments of measuring.

HOW TO RENEW LOST CORNERS AND OBLITERATED LINES.

104. In all cases when any Dominion land surveyor is employed to run any dividing line or limit between sections, or other legal subdivisions, or wood lots, and the mound, post or monument, erected, marked or planted in the original survey to define the corner of such section, or other legal subdivisions, or wood lot, cannot be found, he shall obtain the best evidence that the nature of the case may admit of respecting such corner mound, post or monument; but if the same cannot be satisfactorily ascertained, then he shall measure the true distance between the nearest undisputed corner mounds, posts or monuments and divide such distance into such number of sections or other legal subdivisions, or wood lots (as the case may be) as the same contained in the original survey, giving to each a breadth proportionate to that intended in such original survey, as shewn on the plan and field notes thereof of record in the Dominion lands office; and if any portion of the township or section line (as the case may be) on which such corner mound, post or monument was or should have been planted in the original survey, should be obliterated and lost, then the surveyor shall renew such township or section line (as the case may be) and shall draw and define the same on the ground, in such manner as to leave each and every of the adjoining sections or other legal subdivisions (as the case may be) of a width and depth proportionate to that severally returned for such section or legal subdivision in the original survey, and shall erect, plant or place such intermediate mounds, posts or monuments as he may be required to reect, plant or place, in the line so ascertained, having due respect to any allowance for a road or roads, and the corner, or division, or limit so found shall be the true corner or division or limit of such section or other legal subdivision, or wood lot.

HOW LEGAL SUBDIVISIONS ARE TO BE SURVEYED AND LAID OUT.

105. In all cases when a Dominion land surveyor is employed to lay out a given half-section or quarter-section, he shall effect the same by connecting the opposite original quarter-section corners (should the same be existing, or if the same be not existing, by connecting the several points in lieu thereof found in accordance with the preceding clause) by straight lines; and in laying out other and minor legal subdivisions, in any quarter-section, or any wood lot, he shall give such legal subdivision or wood lot, as the case may be, its proportionate share of the frontage and interior breadth of such quarter-section, and connect the points so found by a straight line; and the lines or limits so drawn as above on the ground, shall in the respective cases be the true lines or limits of such half-section or quarter-section, or other legal subdivision, or wood lot, whether the same shall or shall not correspond with the area expressed in the respective patents for such lands.

TO DRAW DIVISION LINES IN FRACTIONAL SECTIONS.

106. The dividing lines or limits between legal subdivisions or wood lots in fractional sections shall be drawn from the original corners (or the points representing such cor-

ners, as defined on the ground in accordance with the provisions of the act) in the section line intended as the front of such subdivision or wood lot, at right angles to such section line.

ORIGINAL BOUNDARY LINES.

107. All boundary lines of townships, sections or legal subdivisions, towns or villages, and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, and all mounds posts or monuments, run and marked, erected, placed or planted at the angles of any townships, towns, villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land, under the authority of this act or of any order of the governor in council, shall be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land respectively, whether the same upon admeasurement be or be not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land.

108. Every township, section or other legal subdivision, town, village, block, gore, common, lot or parcel of land, shall consist of the whole width included between the several mounds, posts, monuments or boundaries respectively, so erected, marked, placed or planted as aforesaid, at the several angles thereof, and no more or less, any quantity or measure expressed in the original grant or patent thereof notwithstanding.

109. Every patent, grant or instrument purporting to be for any aliquot part of any section, or other legal subdivision, block, gore, common, lot or parcel of land, shall be construed to be a grant of such aliquot part of the quantity the same may contain on the ground, whether such quantity be more or less than that expressed in such patent, grant or instrument.

110. In every town and village in Manitoba or the Northwest Territories, which may be surveyed and laid out under the provisions of this act, all allowances for any road, street, lane, lot or common, laid out in the original survey of such town or village, shall be public highways and commons; and all mounds, posts or monuments, placed or planted in the original survey of such town or village, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of such road, street, lane, lot or common; and all Dominion land surveyors employed to make surveys in such town or village shall follow and pursue the same rules and regulations in respect of such surveys as are by law required of them when employed to make surveys in townships.

111. For better ascertaining the original corner or limits of any township, section, or other legal subdivision, lot or tract of land, every Dominion land surveyor acting in that capacity may administer an oath or oaths to each and every person whom he may examine concerning any corner mound, post, monument or other boundary, or any original landmark, line, limit or angle, of any township, section or other legal subdivision, lot or tract of land which such Dominion land surveyor is employed to survey.

EVIDENCE BEFORE SURVEYORS.

112. When any Dominion land surveyor is in doubt as to the true corner, boundary or limit of any township, section, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, then if such person does not willingly appear before and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, such surveyor may apply to any justice of the peace for an ordinary *subpœna* as witness, or a *subpœna duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before such justice of the peace, of the facts on which the application is founded, and such justice may issue a *subpœna* accordingly, commanding such person to appear before the surveyor at a time and place to be mentioned in the *subpœna*, and (if the case require it) to bring with him any writing, plan or document mentioned or referred to therein.

1. Such *subpœna* shall be served on the person named therein by delivering a copy thereof to him or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or such grown person the original.

2. If the person commanded to appear by such *subpœna* after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the place and time appointed in the *subpœna*, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, a warrant by the justice for the arrest of such person may be issued, and he may be

punished accordingly by fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of such justice.

113. All evidence taken by any Dominion land surveyor as aforesaid shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person, or, if he cannot write, he shall acknowledge the same as correct before two witnesses, who shall sign the same, as also the Dominion land surveyor; and such evidence shall, and any document or plan prepared and sworn to as correct before a justice of the peace, by any Dominion land surveyor, with reference to any survey by him performed, may be filed and kept at the registry office of the place in which the lands to which the same relates are situate, subject to be produced thereafter in evidence in court.

114. Any Dominion land surveyor, when engaged in the performance of his duties as such, may pass over, measure along, and ascertain the bearings of any township or section line, or other government line, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person.

PROTECTION TO SURVEYORS.

115. If any person in any part of the Dominion lands interrupts, molests, or hinders any Dominion land surveyor, while in the discharge of his duty as a surveyor, such person shall be guilty of a misdemeanour, and being thereof lawfully convicted in any court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such court—such imprisonment being for a period not exceeding two months, and such fine not exceeding twenty dollars, without prejudice to any civil remedy which such Dominion land surveyor or any other party may have against such offender for damages occasioned by such offence.

116. If any person knowingly and wilfully pulls down, defaces, alters, or removes any mound, post or monument erected, planted or placed in any original survey under the provisions of this act, or under the authority of any order in council, such person shall be deemed guilty of felony; and if any person knowingly and wilfully defaces, alters, or removes any other mound or landmark, post or monument placed by any Dominion land surveyor to mark any limit, boundary or angle of any township, section or other legal subdivision, lot or parcel of land in Manitoba, or the Northwest Territories, such person shall be deemed guilty of a misdemeanour; and being convicted thereof before any competent court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such court—such fine not to exceed one hundred dollars, and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders for damages occasioned by reason of such offence: Provided, that nothing in this act shall extend to prevent Dominion land surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before.

117. Every Dominion land surveyor shall keep exact and regular journals and field notes of all his surveys of Dominion lands, and file them in the order of time in which the surveys shall have been performed, and shall give copies thereof to the parties concerned when so required; for which he is hereby allowed the sum of one dollar for each copy, if the number of words therein do not exceed four hundred, but if the number of words therein exceed four hundred, he is allowed ten cents additional for every hundred words over and above four hundred words.

118. There shall be allowed to every Dominion land surveyor summoned to attend any court, civil or criminal, for the purpose of giving evidence in his professional capacity as a surveyor, for each day he so attends (in addition to his reasonable travelling and living expenses), and to be taxed and paid in the manner by law provided, with regard to the payment of witnesses attending such court, five dollars.

ASSIGNMENTS.

119. The surveyor-general shall keep a book for registering, at the option of the parties interested, the particulars of any assignment made, as well by the original nominee, purchaser, or locatee or lessee of Dominion lands, or his heir or legal representative, as by any subsequent assignee; and upon such assignment being produced with the affidavit of due execution thereof, and of the time and place of such execution, and the names, residences and occupations of the witnesses, the said surveyor-general shall cause the material particulars of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a certificate of such registration; and every such assignment so registered shall be valid against any one previously executed, and subsequently registered or unregistered, but all assignments to be registered must be unconditional, and all the conditions of sale, grant or location, must have been complied with, or if dispensed with, then so dispensed with by the Minister of the Interior, before such registration is made.

120. If any subscribing witness to any such assignment is deceased or cannot be

found, the said surveyor general may register such assignment on the production of an affidavit proving the death or the absence of such witness and the hand-writing of the party making such assignment.

TARIFF OF FEES.

121. The governor in council may establish a tariff of fees to be charged for all copies of maps, township plans, field notes and other records; also for registering assignments; and all fees received under such tariff shall be accounted for by the surveyor-general, and shall form part of the revenue from Dominion lands.

TOWNSHIP PLANS AND PATENT LISTS.

122. The surveyor-general shall transmit to the registrar of every county, and registration district, and division in Manitoba and the Northwest Territories, a copy of the plan of each township or parish within such county, district or division which has been previously surveyed, and the survey of which has been confirmed, and shall also at the same time transmit a list of all Dominion lands, within such county, district or division, for which patents may have previously issued; and further, shall, as early as possible in each year thereafter, transmit to such registrar a copy of the map of each township in such county, district or division, surveyed in the year next preceding, together with a list of the lands in such county, district or division, patented during such year. All of such copies of plans, maps and lists of lands patented, shall be certified by the surveyor-general.

LAND SCRIP.

123. Whereas by the fifth sub-section of the thirty-second section of the act passed in the thirty-third year of Her Majesty's reign, chapter three, it is provided that the rights of common and of cutting hay held and enjoyed by the settlers in the province of Manitoba, may be commuted by grants of land from the Crown; and whereas the method of commuting the said rights by an issue of scrip redeemable only in land, is most convenient and expedient; and whereas it is also expedient to affirm the principle that rights to Dominion land may be satisfied by an issue of scrip; therefore, the orders of the governor in council, dated respectively the sixth day of September, one thousand eight hundred and seventy-three, and the seventeenth day of April, one thousand eight hundred and seventy-four, providing for the issue of scrip in commutation of the rights of common and of cutting hay in Manitoba, are hereby confirmed.

124. The governor in council may, if deemed by him expedient, satisfy any claim which may hereafter arise to grants of Dominion lands, by an issue of scrip redeemable only by its receipt in payment for such land.

GENERAL PROVISIONS.

125. The following powers are hereby delegated to the governor in council:—

a. To withdraw from the operation of the said act, subject to their existing rights as defined or created under the same, such lands as have been reserved for Indians, or such as may be required to satisfy the half-breed claims created under section thirty-one of the act thirty-three Victoria, chapter three;

b. To reserve from general sale and settlement Dominion lands to such extent as may be required to aid in the construction of railways in Manitoba or in the Territories owned by the Dominion, and to provide for the disposal of such lands, notwithstanding anything contained in the said act, in such manner and on such terms as may be deemed expedient;

c. To encourage works undertaken with a view of draining and reclaiming swamp lands by granting to the promoters of such works remuneration in the way of grants of such portions of the lands so reclaimed as may be deemed fair and reasonable;

d. To grant land—in no case, however, to exceed in extent nine hundred and sixty acres—to any person or persons who will establish and keep in operation thereon for a term of not less than five years, a school of instruction in practical farming and all matters pertaining thereto, adapted for thirty pupils, with the approval and to the satisfaction of the minister of the interior;

e. To satisfy any claims existing in connection with the extinguishment of the Indian title, preferred by half-breeds resident in the Northwest Territories outside of the limits of Manitoba, on the fifteenth day of July, one thousand eight hundred and seventy, by granting land to such persons, to such extent and on such terms and conditions, as may be deemed expedient;

f. To investigate and adjust claims preferred to Dominion land situate outside of the province of Manitoba, alleged to have been taken up and settled on previous to the fifteenth day of July, eighteen hundred and seventy, and to grant to persons satisfactorily establishing undisturbed occupation of any such lands, prior to, and, being by themselves or their servants, tenants or agents, or those through whom they claim, in actual peaceable possession thereof at the said date, so much land in connection with and in satisfaction of such claims, as may be considered fair and reasonable;

g. To make such orders as may be deemed necessary from time to time to carry out the provisions of the said act according to their true intent, or to meet any cases which may arise and for which no provision is made in the said act; and further to make and declare any regulations which may be considered necessary to give the provisions in this section contained full effect; and from time to time to alter or revoke any order or orders or any regulations made in respect of the said provisions, and make others in their stead; and such orders or regulations shall be published in the Canada Gazette and in such newspapers as the minister of the interior may direct, and shall be laid before Parliament within the first ten days of the session next after the date thereof.

126. All affidavits, oaths, solemn declarations or affirmations required to be taken or made under this act may be taken before the judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits, or any dominion lands agent or officer, or any person specially authorized to take such affidavits by the minister of the interior.

127. In any case where an affidavit or oath is required by this act, a solemn affirmation may be administered and made instead of an oath, by any person who is by law permitted in civil cases to make a solemn affirmation instead of taking an oath.

PREVIOUS ORDERS IN COUNCIL.

128. All proceedings properly taken under the respective orders in council, on the subject of the *Public Lands in the Province of Manitoba*, dated the twenty-fifth of April, one thousand eight hundred and seventy-one, and the twenty-sixth of May, following the said date, are hereby confirmed, and the said respective orders, except the provision therein respecting pre-emption rights, which is hereby repealed and done away with, (and except such of the provisions thereof as may be inconsistent with the provisions of this act, and which are hereby revoked), shall be and remain in force: Provided that this enactment shall in no way affect the provisions of the act passed in the thirty-sixth year of Her Majesty's reign, chapter thirty-eight.

129. Subject to the provisions hereinafter made, the act passed in the thirty-fifth year of Her Majesty's reign and intituled "An act respecting the public lands of the Dominion," and the act passed in the thirty-seventh year of Her Majesty's reign, and intituled "An act to amend the Dominion lands act," and the act passed in the thirty-ninth year of Her Majesty's reign, and intituled "An act to amend the Dominion lands acts," are hereby repealed, and this act is substituted for them: Provided always, that all enactments repealed by any of the said acts shall remain repealed, and that all things lawfully done and all rights acquired or liabilities incurred under them or any of them shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them or any of them may be continued and completed, under this act, which shall not be construed as a new law, but as a consolidation and continuation of the said repealed acts subject to the amendments hereby made and incorporated with them; and anything heretofore done under any provision in any of the said repealed acts which is repeated without alteration in this act, may be alleged or referred to as having been done under the act in which such provision was made, or under this act.

SCHEDULE.

FORM A.—*See Section* 34.

APPLICATION FOR A HOMESTEAD RIGHT.

I, of do hereby apply to be entered, under the provisions of the "Dominion lands act, 1878," for quarter quarter-sections, numbers and forming part of section number of the township of containing acres, for the purpose of securing a homestead right in respect thereof.

FORM B.—*See Section* 34, *Sub-section* 8.

AFFIDAVIT IN SUPPORT OF CLAIM FOR HOMESTEAD RIGHT.

I, A. B., do solemnly swear (*or* affirm as the case may be) that I am over eighteen years of age, that I have not previously obtained a homestead under the provisions of the Dominion lands act, that the land in question belongs to the class open for homestead entry; that there is no person residing or having improvements thereon, and that the application is made for my exclusive use and benefit, with intention to reside upon and cultivate the said land. So help me God.

FORM C.—*See Section* 84, *Sub-section* 1.

OATH OF MEMBERS OF BOARD OF EXAMINERS.

I, A. B., do solemnly swear (*or* affirm *as the case may be*) that I will faithfully discharge the duty of an examiner of candidates for commissions as dominion land or topographical surveyors, according to law, without favour, affection or partiality. So help me God.

FORM D.—*See Section* 90.

ARTICLES OF PUPIL TO DOMINION LAND SURVEYOR.

These articles of agreement, made the day of one thousand eight hundred and between A. B., of of Dominion land surveyor of the one part, and C. D., of and E. F., son of the said C. D. of the other part, witness:

That the said E. F., of his own free will, and by and with the consent and approbation of the said C. D., doth, by these presents, place and bind himself pupil to the said A. B. to serve him as such from the day of the date hereof, for and during and until the full end and term of three years from hence next ensuing, and fully to be completed and ended.

And the said C. D. doth hereby, for himself, his heirs, executors and administrators, covenant with the said A. B., his executors, administrators and assigns, that the said E. F. shall well, and faithfully, and diligently according to the best and utmost of his power serve the said A. B. as his pupil in the practice or profession of a Dominion land surveyor, which he the said A. B. now followeth, and shall abide and continue with him from the day of the date hereof, for and during and unto the full end of the said term of three years.

And that he the said E. F. shall not, at any time during such term, cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field-notes, moneys, chattels, or other property of the said A. B., his executors, administrators or assigns, or of any of his employers; and that in case the said E. F. shall act contrary to the last-mentioned covenant, or, if the said A. B., his executors, administrators or assigns, shall sustain or suffer any loss or damage by the misbehaviour, neglect, or improper conduct of the said E. F., the said C. D., his heirs, executors, or administrators, will indemnify the said A. B., his executors, administrators or assigns, and make good and reimburse him or them the amount or value thereof.

And further, that the said E. F. shall at all times keep the secrets of the said A. B. in all matters relating to the said business and profession, and will, at all times during the said term, be just, true and faithful to the said A. B. in all matters and things, and from time to time to pay all moneys which he shall receive of or belonging to or by order of the said A. B. into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself from the service or employ of the said A. B. at any time during the said term without his consent first had and obtained, and shall, from time to time, and at all times during the said term, conduct himself with all due diligence, and with honesty and sobriety.

And the said E. F. doth hereby, for himself, covenant with the said A. B., his executors, administrators and assigns, that he the said E. F. will truly, honestly and diligently serve the said A. B. at all times, for and during the said term, as a faithful pupil ought to do in all things whatsoever in the manner above specified.

In consideration whereof, and of of lawful money by the said C. D. to the said A. B., paid at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged), the said A. B. for himself, his heirs, executors and administrators, doth covenant with the said C. D., his heirs, executors and administrators, that the said A. B. will accept and take the said E. F. as his pupil, and that he the said A. B. will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said E. F. in the course of study prescribed by section ninety-five of the "Dominion Lands Act, 1879," in practical surveying operations and in the use of instruments, and generally in the art, practice and profession of a Dominion land surveyor, which he the said A. B. now doth, and shall at all times during the said term, use and practice, and also will provide the said E. F. with all the necessary and reasonable expenses incurred in transacting or performing the business of the said A. B., and also will, at the expiration of the said term, give to the said E. F. a certificate of servitude and use his best means and endeavours, at the request, cost and charges of the said C. D.

and E. F., or either of them, to cause and procure him the said E. F. to be examined before the board of examiners of candidates for commissions as of Dominion land surveyors: Provided the said E. F. shall have well, faithfully and diligently served his said intended pupilage.

And for the true performance of all and every the covenants and agreements aforesaid, according to the true intent and meaning thereof, each of them the said A. B. and C. D., doth bind himself, his heirs, executors and administrators, unto the other, his heirs, executors, administrators and assigns, in the penal sum of five hundred dollars, firmly by these presents.

In witness whereof the parties aforesaid have hereunto set their hands and seals, the day and year first above written.

A. B. (SEAL.)
C. D. (SEAL.)
E. F. (SEAL.)

Signed, sealed and delivered
in the presence of
G. H.
J. K.

FORM E.—*See Section* 97.

COMMISSION AS DOMINION LAND SURVEYOR.

This is to certify to all whom it may concern that A. B., of hath duly passed his examination before the board of examiners, and hath been found duly qualified to fill the office and perform the duties of Dominion land surveyor, he having complied with all the requirements of the law in that behalf: Wherefore he the said A. B. is hereby duly admitted to the said office, and commissioned for the discharge of the duties thereof, and is by law authorized to practice as a surveyor of Dominion lands.

In witness whereof we, the president and secretary of the said board, have signed this commission, at , on this day of , one thousand eight hundred and

C. D.,
Surveyor-General.
E. F.,
Secretary.

FORM F.—*See Section* 67.

APPLICATION FOR LAND FOR FOREST-TREE CULTURE.

I, A. B., do hereby apply to be entered under the provisions respecting forest-tree culture of "The Dominion Lands Act 1879," for the section in township number in the range of the meridian, for the purpose of cultivating forest trees thereon.

FORM G.—*See Section* 67.

AFFIDAVIT IN SUPPORT OF CLAIM FOR FOREST-TREE CULTURE.

I, A. B., do solemnly swear (*or* affirm, *as the case may be*,) that I am over eighteen years of age; that I have not previously obtained an entry of land for forest-tree culture, the extent of which, added to that now applied for, will exceed in all one hundred and sixty acres; that the land now in question is open prairie and without timber, and is unoccupied and unclaimed, and belongs to the class open for entry for tree culture (*or, instead of the above, after the word* "question," *as the case may be, say*, consists of the quarter-section heretofore entered by me as a pre-emption right, under the provisions of sub-section one of section thirty-three of the "Dominion Lands Act,") and that the application is made for my exclusive benefit. So help me God.

[NOTE.—Attention is called to the testimony of registers and receivers in the "Report of Public Land Commission, February, 1880," as to the numerous and perplexing papers and forms required in the land service of the United States, to make entries or settlement.]

AUSTRALIA.

Australia is estimated to contain 2,983,264 square miles, or 1,909,288,960 acres.

COLONY OF VICTORIA, AUSTRALIA.

[From Official Report of Colony for 1876.]

There are four kinds of tenure in this colony: freehold lands, purchased lands, Crown lands selected, leased Crown lands under pastoral license.

CROWN LANDS AND HOW DISPOSED OF.

The mode of disposing of Crown lands in Victoria has undergone numerous changes. At first it was necessary that all land should be offered at auction before passing into the hands of private individuals, an upset price, according to its value, being placed upon it by the government. Until 1840 the minimum upset price was 12*s*. per acre; it was then raised to 20*s*. Land which had passed the auctioneer's hammer without being bid for was open to be bought by any one at the upset price. Large blocks of land called special surveys, and a block of a square mile in extent upon each squatting run, were, under certain orders in council, exempted from auction, and were permitted to be purchased at £1 per acre.

In 1860 the system was changed, and a law was passed permitting surveyed country lands to be selected at a uniform upset price of £1 per acre, the only exception being where two or more selectors applied simultaneously for one block, in which case a limited auction, confined only to such applicants, was to take place. The successful selector had the option of either paying for the whole of his block in cash or only for half; in the latter case, renting the other half at 1*s*. per acre per annum, with the right to purchase at the same rate per acre as he paid for the first moiety. This act imposed no conditions as to residence, cultivation, or improvement.

Another change was made in 1862. Large agricultural areas were proclaimed open for selection, within which land could be selected at a uniform price of £1 per acre, lot being substituted for limited auction, in the event of there being more than one applicant for an allotment. For one-half of the allotment it was necessary to pay at once; but for the remainder the purchase-money was allowed to be paid by instalments of 2*s*. 6*d*. each, extending over eight years. No more than 640 acres could be selected by one person in twelve months. Three conditions, to be complied with within twelve months of the date of selection, were imposed upon selectors under this act; the first being that the selections be enclosed with a substantial fence; the second, that a habitable dwelling be erected on the land; and the third, that 1 acre out of every 10 selected be cultivated.

The next change was made in 1865, when an act was passed providing that agricultural land could be acquired by payment of 2*s*. per acre per annum during three years, and by effecting improvements to the extent of 20*s*. per acre within two years of the commencement of the lease. These conditions having been complied with, the lessee might, at the expiration of three years, if he resided upon the land, purchase his holding at £1 per acre; or, if not, he could require his leasehold to be offered at auction at the uniform price of 20*s*. per acre, with the value of improvements added in his favor. There was also a clause* in this act whereby land adjacent to gold fields could be occupied in blocks of 20 acres each without having been previously surveyed.

The operation of the last-mentioned clause was so successful in leading to the occupation of the land that free selection before survey was the main principle of the next land act, which is the one at present in force. This statute was passed in 1869, and came into operation on the 1st of February, 1870. Under it 320 acres is the largest amount allowed to be selected by one person. The selection is held under license during three years, within which period the licensee must reside on his selection at least two and a half years, must enclose it, cultivate 1 acre out of every 10, and generally effect substantial improvements to the value of 20*s*. per acre. The rent payable during this period is 2*s*. per acre per annum, which is credited to the selector as part payment of the principal. At the expiration of the three years' license, the selector, if he obtain a certificate from the board of land and works that he has complied with these conditions, may either purchase his holding by paying up the balance of 14*s*. per acre, or may convert his license into a lease extending over seven years, at an annual rental of 2*s*. per acre, which is also credited to the selector as part payment of the fee-simple. On the expiration of this lease, and due payment of the rent, the land becomes the freehold of the selector.

* The forty-second clause. It was framed to meet the demand for the occupation of land adjacent to gold fields. Its operation was gradually extended by regulation to a circuit of thirty miles around gold fields, and the same individual was allowed to hold several 20-acre licenses for the occupation of adjacent land to the total extent of 160 acres. The licensee was bound either to reside on his holding or to fence and cultivate a certain portion.

The Crown land sold in 1874 amounted to 531,538 acres, and the extent granted without purchase to 44 acres. Of the former, 49,656 acres were sold by auction; the remainder was selected under the various land acts.

The total extent sold, from the first settlement of the colony to the end of 1874, was 9,929,388 acres, and the extent granted without purchase was 3,245 acres, making a total of 9,932,633 acres.

The fee-simple of the whole of this land had passed to the purchaser. A further extent of land, amounting, at the end of 1874, to about 5,650,000 acres, was in process of alienation under the system of deferred payments, and this, too, should the legal conditions be duly complied with, will pass away from the Crown in the course of a few years. Then there is land occupied by roads, the sites of towns, state forests, auriferous, pastoral, and timber reserves, and land which is at present useless owing to its mountainous character or to its being covered with mallee scrub, lakes, or lagoons. Deducting the whole of these lands from the area of the colony, estimated at 56,446,720 acres, the area available for selection at the end of 1874 is found to have amounted to nearly 15,000,000 acres. This will be better seen by the following table, which shows the condition of the public estate at that period:

Public estate of Victoria on 31st December, 1874.

Condition of land.	No. of acres.
Land alienated in fee-simple	9,932,633
Land in process of alienation under deferred payments	5,650,395
Roads in connection with the above	779,157
Land included in cities, towns, &c	231,040
Reserves in connection with pastoral occupation, about	350,000
Auriferous lands, about	1,000,000
State forests not included in unavailable mountain ranges	215,100
Timber reserves " "	306,976
Mallee scrub, unavailable mountain ranges, lakes, lagoons, &c., about	23,000,000
Area available for selection at end of 1874	14,981,419
Total area of Victoria	56,446,720

The amount realized for lands sold during the year was £579,051, or an average of £1 1*s*. 9*d*. per acre. Of this sum, only £206,897 was paid during the year, the remainder having been paid in former years under the deferred payment system. The land sold by auction included in the above realised £92,696, or an average of £1 17*s*. 4*d*. per acre, and the land sold otherwise than by auction realised £486,355, or an average of £1 0*s*. 2*d*. per acre.

From the first settlement of the colony to the end of 1874 the amount realized by the sale of land has been £16,786,146, or at the rate of £1 13*s*. 10*d*. per acre.

Subjoined is the number of squatting runs [cattle farms] temporarily occupied at will of officials, and the area of Crown lands embraced therein in the year under review and in the first year of each of the two previous quinquennial periods:

	Number of runs.	Approximate area.
		Acres.
1864	1,177	30,463,999
1869	1,067	27,703,314
1874	864	24,230,128

The effect of the disposal of Crown lands by sale and selection is shown in the diminution of the number of runs, and of their contained area. The falling off of the former was 110, and of the latter 2,760,000 acres in the first quinquenniad, and the falling off of the runs was 203, and of the area 3,470,000 acres in the second quinquenniad.

The average size of runs [cattle farms, or ranches], was 25,884 acres at the first period, 25,964 acres at the second period, and 28,044 acres at the third period.

The rent paid for runs is fixed in accordance with the grazing capabilities of the land upon the following scale: Four shillings yearly for each head of cattle and horses the run can depasture, and 8*d*. for each sheep. In the year under review, the amount of rent received was £125,938, or at the rate of 1.247*d*. per acre. In the previous year, the amount received was £140,786, or at the rate of 1.308*d*. per acre.

The number of runs with purchased land attached was 482 in 1873, and 455 in 1874. The land so attached was 1,959,394 acres in the former and 1,740,911 acres in

the latter year, the proportion to each holder at the two periods respectively being 4,065 acres and 3,826 acres. In explanation of the falling off in the purchased land held in connection with runs, it is to be observed that as soon as the Crown lands attached to a run are altogether purchased it drops out of the list of runs and is considered as a farm.

The term run is applied to such holdings only as are occupied under pastoral licenses.

COLONY OF NEW ZEALAND, AUSTRALIA.

[From Official Colonial Report, 1876.]

LAWS FOR DISPOSAL OF CROWN LANDS.

All the waste lands of the Crown within each provincial district are managed by a board consisting of the waste-lands commissioner, chairman, and five other commissioners, appointed by the governor. The homestead system, as amended in the session of 1879, is as follows:

HOMESTEAD SYSTEM—FREE GRANTS.

Provision is made under the act for free selection of homestead grants. Blocks are specially set apart for the purpose. The lands so dealt with are divided into first-class lands and second-class lands, according to quality, and are so marked upon the government plans. The area allowed each person of the age of eighteen years or upwards is, of first-class lands 50 acres, or of second-class 75 acres; for persons under eighteen years of age, of first-class lands 20 acres, or of second-lands 36 acres. For each block a district surveyer or other duly authorized officer is appointed, and intending settlers must lodge a written application with him between the hours of 10 a. m. and 4 p. m., such application to state names and ages of the applicants, and describe the situation, class of land, and number of acres they have taken possession of, together with the date whereon they took possession; also to whom it is intended that a grant or grants shall issue upon fulfillment of the conditions of selections; and no application shall be received for a less area than 20 acres, and not more than 200 acres of first-class or 300 acres of second-class lands can be held or occupied by any number of persons living together in one household. The land will be allotted according to priority of application; but when two or more applications are received at the same time, the ownership must be decided by lot. Every selection must, so far as the features of the country will permit, be of a rectangular form, and when fronting on a road, river, lake, or coast, be of a depth not less than three times the length of the frontage—no selection to monopolize the wood or water or landing-place in any particular locality.

Under special circumstances the waste-lands commissioner may permit occupants to complete their selections by the purchase of adjoining lands in blocks of irregular shape and small extent. Every selector of land shall have the same surveyed at his own expense by a duly authorized surveyor, and deliver at the waste-lands office, within six months after taking possession, a correct certified plan. Only the sanction of the commissioner is necessary until the conditions on which the selection is made have been finally completed. At the end of the period of five years a grant or grants shall issue for the lands selected, provided the selector has not forfeited his right thereto. The conditions to entitle to Crown grant or conveyance are: Continuous residence on the land for five years; the erection of a permanent dwelling-house, value £50, within twelve months from the commencement of such residence; annual cultivation of one-fifteenth of area selected, if open land, or one-twenty-fifth if bush land, together with the fulfillment of conditions imposed by the act and regulations.

Surveys.—All surveys shall be made by surveyors authorized by the surveyor-general, and in accordance with instructions to settlement surveyors issued, not exceeding 30 acres, £5; exceeding 30 and up to 50 acres, 3*s.* per acre; exceeding 50 and up to 100 acres, 2*s.* 6*d.* per acre; exceeding 100 and up to 200 acres, 2*s.* per acre, but not less than £12 10*s.*; exceeding 200 and up to 300 acres, 1*s.* 8*d.* per acre, but not less than £20.

Whenever two or more sections are surveyed together by the same surveyor, one-third of the above rates shall be deducted from all areas above 50 acres, and whenever all or more than one-half the length of the boundary lines shall run through vegetation less than six feet high, one-third of the schedule rates shall be deducted.

LICENSES FOR CUTTING TIMBER, FLAX, AND OTHER PURPOSES.

Licenses to occupy Crown lands for any period not exceeding seven years may, upon application to the board, be obtained for cutting timber or flax, raising coal, removal of clay, sand, gravel, or stone, digging kauri gum, sites for saw-mills, flour-mills, tanneries, fellmongers' yards, slaughter-yards, brick kilns, potteries, ferries, jetties, sites in thinly inhabited districts for inns and accommodation houses. Area of land and fee to be fixed by board.

SPECIAL SETTLEMENTS.

The governor sets apart blocks of rural land, and declares the same open for special settlement, but the total quantity of land so set apart in the colony is not allowed to exceed 100,000 acres in any one one year. Lands so set apart are sold at a price to be fixed by competent valuators, not being less than one pound per acre. A deposit of one-tenth of the price of the block is payable, in manner directed by the governor, within three months after deposit of survey plan with chief surveyor. Conditions of improvements to be defined by regulations are necessary to be performed before issue of Crown grant. Special settlement lands cannot be set aside as such for a longer period than seven years, and if not taken up within that time may be declared open to all purchasers as ordinary Crown lands. The governor is empowered to contract with persons or companies agreeing to promote the settlement of persons upon such lands, and the person or companies so contracted with are bound to perform and observe the terms agreed upon. Rebate in the prices of land is allowed in respect of adult persons introduced from the United Kingdom, but the total rebate is not to exceed twenty pounds for each statute adult, and no rebate is made until the governor is satisfied that a number of adults have settled on the land and improved the same in conformity with the regulations.

COLONY OF NEW SOUTH WALES, AUSTRALIA.

[From work by Charles Robinson, Esq.]

CROWN LANDS—HOW DISPOSED OF.

In 1861 the Parliament passed an act for regulating the alienation of crown lands. That act is still law, and it offers very great facilities for the acquirement of land by men of small means. Anybody is at liberty to take up any quantity of the best land he can discover, between 40 acres and 320 acres, at £1 an acre; and, on payment of one-fourth of the puchase money he obtains undisturbed possession. He is not dependent upon the caprice of any official; and he need not wait to have his land surveyed, although, as a matter of fact, the surveyor will speedily follow him, and definitely determine the boundaries of his estate. If the land conterminous to his own has not been alienated from the Crown, the conditional purchaser is entitled by law to depasture his stock over an area three times the size of his purchase. This "grazing right," as it is called, cannot, however, be relied on with any degree of certainty, for, in the progress of settlement, these grazing areas are speedily converted into freehold homesteads by successive conditional purchasers. As soon as the whole of the purchase money has been paid, the government issues the title, which is indefeasible; for it must be remembered that Torrens' act is in force in this colony, and titles to land once registered under it can never be called in question. The interest (5 per cent.) payable on the unpaid balance of three-fourths of the purchase money is equivalent to a yearly rental of one shilling for every acre conditionally purchased. The following are the words of the act which provide for the conditional sale of unimproved lands without competition:

"On and from the first day of January, one thousand eight hundred and sixty-two, Crown lands other than town lands or suburban lands and not being within a proclaimed gold field nor under lease for mining purposes to any person other than the applicant for purchase and not being within areas bounded by lines bearing north, east, south, and west and distant ten miles from the outside boundary of any city or town containing according to the then last census ten thousand inhabitants or five miles to the outside boundary of any town containing according to the then last census five thousand inhabitants or three miles from the outside boundary of any town containing according to the then last census one thousand inhabitants or two miles from the outside boundary of any town or village containing according to the then last census one hundred inhabitants and not reserved for the site of any town or village or for the sup,ly of water or from sale for any public purpose and not containing improvements and not excepted from sale under section seven of this act shall be open for conditional sale by selection in the manner following (that is to say) Any person may upon any land-office day tender to the land agent for the district a written application for the conditional purchase of any such lands not less than forty acres nor more than three hundred and twenty acres at the price of twenty shillings per acre and may pay to such land agent a deposit of twenty-five per centum of the purchase money thereof And if no other like application and deposit for the same land be tendered at the same time such person shall be declared the conditional purchaser thereof at the price aforesaid Provided that if more than one such application and deposit for the same land or any part thereof shall be tendered at the same time to such land agent he shall unless all such applications but one be immediately withdrawn forthwith proceed to determine by lot in such manner as may be prescribed

by regulations made under this act which of the applicants shall become the purchaser."

It will be seen that the only restrictions upon choice are those which are absolutely necessary for the protection of the public interests. In consideration, however, of the liberal terms upon which land may thus be obtained, other sections of the act require that the conditional purchaser shall reside upon his land for a period of five years, and during that time make improvements to the value of £1 an acre—conditions implying no practical hardship upon the *bona fide* settler, and which are fully satisfied by the exercise of his own labor. The act came into operation on the 1st of January, 1862, and from that date to the 31st December, 1871, 2,849,391 acres were conditionally purchased by 37,216 applicants.

Twenty-five pounds ($125.00) thus enables a man to acquire a homestead of 100 acres.

BRAZIL.

Area, 3,275,326 square miles, or 2,096,208,540 acres.

LAWS RELATING TO THE DISPOSITION OF THE CROWN LANDS OF BRAZIL.

[From the work of Dr. N. Joaquim Moreira.]

IMMIGRANTS.

With a view to attract intelligent immigrants, in order to expand the several branches of industry, and especially agriculture, government has employed every effort proportionate to the means at their disposal, not only directly promoting immigration and colonization, but also protecting private enterprise, and propagating in Europe the knowledge of the economical, social, and political condition of Brazil, and taking measures tending to improve the condition of immigrants and the welfare of colonists.

An official colonization agency has been established in the city of Rio de Janeiro with a view to guide the first steps of the newly arrived, assisting them in those affairs which they, owing to their ignorance of the language and customs of the country, are unable themselves to manage, to advise and give them any information required, to hear their complaints, and when just present them to government. It also reports on projects for introducing immigrants, makes the respective contracts, and dispatches the immigrants to their destination.

In the provinces, by order of the minister of agriculture, committees are named to assist the presidents in the reception of immigrants, and they employ means to obtain for them a friendly reception and means of livelihood by agricultural work or by the exercise of other trades.

Every immigrant that arrives at Rio de Janeiro, whether spontaneously or for government account, has a right to board and lodging—those who remain in the city of Rio de Janeiro during eight days, and the others till an opportunity occurs for them to proceed to their destination.

At present, no sooner do the immigrants reach the capital than they are sent into the interior to the high lands, there to be acclimatized.

With the laudable intent to create a uniform *régime* for state colonies, and to guarantee the welfare of their inhabitants, the following regulations were approved by decree No. 13,784, of January 19, 1867, and signed by Councillor Manoel Pinto de Souza Dantas, at that time minister of agriculture:

REGULATIONS FOR THE STATE COLONIES.

CHAPTER I.—THE ESTABLISHMENT OF THE COLONIES, THE DISTRIBUTION OF LANDS, AND THE CONDITIONS FOR THE GRANTS AND TITLE DEEDS.

ARTICLE 1. State colonies shall be established by decree of the imperial government the respective names being indicated, and the colonial district having been previously chosen, measured, and marked out by a government engineer.

ART. 2. Every colonial district shall contain in its peremiter an area equivalent to at least a territory of four square leagues or 174,240:000 square metres, divided into urban and rural lots, the most convenient position for the township having been previously chosen.

ART. 3. The engineers in charge of the works belonging to the colonial establishments shall draw up a general plan, which shall contain not only the designation of the lots measured and marked out, the direction of projected roads, bridges, rivers, and

large streams, and every other topographical indication, but also the lands reserved for the township, and which, with the assent of the director of the colony, shall have been allotted to streets, squares, commons, churches, schools, cemetery, administrator's house, jail, and other colonial buildings. Three copies shall be made of these plans, one for the archives of the colony, another for the presidency of the province, and a third for the directory of public lands and colonization.

ART. 4. The rural lots shall be divided into three classes: Those of the first class shall contain an area of 125,000 square bracas or 605,000 square metres, those of the second, 65,000 square bracas or 302,500 square metres, and those of the third, 31,250 square braças or 151,250 square metres, equivalent to $\frac{1}{2}$, $\frac{1}{4}$, and $\frac{1}{8}$ of the lots of 250,000 square braças or 1,210,000 square metres, mentioned in article 14, section 1, of the law of September 18, 1850.

The urban lots may be divided into different classes, and the frontage may vary from 10 to 20 braças or from 22 to 44 metres and the depth from 20 to 50 braças or from 44 to 110 metres, according to the position of the land reserved for the township. All the above-mentioned lots shall be indicated on the plan of the colony by a number.

ART. 5. The price of the square braça (4.48 square metres), both of the rural and the urban lots shall be arbitrated by the director of the colony, the fertility, the situation, and other circumstances of the land being considered, according to the descriptive memorial of the engineer, and in proportion as the clearing of the colonial lands shall proceed.

This arbitrament may vary between the limits of 2 and 8 reis for the rural and of 10 and 80 reis for the urban lots; after the approbation of the president of the province, these shall also be indicated on the plan.

ART. 6. Colonists may on arrival freely choose their lots, paying in cash the price fixed according to the respective classification.

An additional 20 per cent. on the price marked shall be charged to those who buy on credit, and this payment shall be made in five equal instalments to count from the end of the second year of their establishment.

If, however, the colonist pay before the instalments are due, an abatement of 6 per cent. shall be made on the whole of the instalment or instalments anticipated.

ART. 7. The sons of colonists over eighteen years of age shall have the right to choose lots on the same conditions, and to settle separately if so willing.

ART. 8. The rural lots shall be delivered with the respective frontage and depth measured and marked out, and with a path of from 10 to 20 braças or from 22 to 24 metres in length, at both the lateral boundaries, indicated by three posts.

These lots shall contain an area of 1,000 square braças or 4,840 square metres cleared, and a temporary building large enough for a family.

ART. 9. There shall be two kinds of title deeds for the colonists, namely: provisional deeds, or those which indicate the lots, and definitive deeds of the property, passed according to the annexed models Nos. 1 and 2.

The former, signed by the director of the colony, shall be delivered to the colonists who may buy on credit; the latter, signed by the president of the province, shall be given to those who shall have paid their debit to the public treasury. Both the provisional and the definitive deeds shall be given gratuitously to the colonists within three months from the day on which they shall take possession of their lots.

ART. 10. When the colonist buys on credit, he shall not be allowed to subject either the lands or the improvements on them to any real encumbrance, as one and the other are mortgaged to the public treasury as a guarantee of his debts to the State and of the fines he may incur.

It is understood that the foregoing clause does not comprehend legitimate or testamentary inheritance or legacy, in which cases the property shall pass to the heir or legatee with the encumbrance.

The provisional title deed, mentioned in Article 9, shall be registered in a special book, each page of which shall be signed by the director.

ART. 11. The definitive title deeds shall contain: 1st, an exact description of the boundaries of the lot; 2d, the extent and direction of the divisionary lines with the declaration of the declination of the needle; 3d, the area and the name of the adjoining proprietors; 4th, the conditions and encumbrance to which, in accordance with these regulations, the purchasing colonists are subject.

When the lot shall be of an irregular form, the engineer shall design and sign a small map of the same on the title deed.

ART. 12. Every colonist who, within two years from the date of taking possession of the lot purchased, shall not have established on it his habitual dwelling and an effective culture, shall lose his right to the same, and, after the necessary advertisements, it shall be sold by public auction.

From the proceeds of the sale there shall be deducted: first, the amount which the negligent colonist may be owing the State; and secondly the amount of any other proved debts which he may be owing; and if any sum remain it shall be delivered to the said colonist, or, in his absence, immediately paid into the provincial treasury.

The same steps shall be taken, at any time, with respect to rural or urban lots of land whose owners shall abandon them for more than two years.

CHAPTER II.—THE ADMINISTRATION OF THE COLONIES.

ART. 13. In the state colonies, there shall be a board composed of eight members, namely: the director, who shall preside, the medical assistant, and six others, chosen from among the colonists who shall have paid their debts to the State.

ART. 14. Those colonists who shall be soonest free from their debt, shall be members of the first board; and when more than six individuals are in the same position the president of the province shall choose from among the names proposed by the directors, those colonists which he may consider most fitting.

The duration of this provisional board shall be for only one year.

ART. 15. At the expiration of this period the director shall send to the president of the province a list of the names of twelve colonists who, to the condition above mentioned, shall join intelligence and good conduct; to the list there shall be annexed such information as may guide the president in the choice of the six members of the permanent board.

ART. 16. This board shall be triennial, and the director, three months before the expiration of that time, shall make the necessary proposal for the new board, which shall be installed on the first day of the following year.

ART. 17. The board may pass resolutions when the president and four other members be present.

ART. 18. In urgent cases, when meetings of the board may be difficult, and through delay the decisions become prejudicial to the interests of the colony, the director may resolve alone, explaining his reasons for so doing at the first meeting of the board to be noted in the respective book of the proceedings of the board.

ART. 19. If from the continuance of the meetings of the board, any detriment arise to the colony, the director may adjourn them.

ART. 20. The director may also suspend the execution of the measures resolved on by the board if contrary to law or to the clauses of these regulations, or if detrimental to the colony.

In this case, as also those mentioned in the two foregoing articles, he shall immediately inform the president of the province of the steps taken by him.

ART. 21. If the president of the province approve his act, then the president, if he think proper, may dissolve the board, and order a new proposal to be made for the nomination of another, after consulting the imperial government.

ART. 22. So long as the colony shall not contain a sufficient number of colonists in the above-mentioned condition to form the board the director shall exercise all its functions.

ART. 23. The colonial board may decide with respect to the distribution of the colonial revenue, which shall be applied only to the following objects:

1st. The construction and repairs of buildings destined for public worship, schools, and the administration of roads and bridges.

2d. Opening colonial roads, building temporary bridges and houses for the reception and establishment of colonists, measuring lots, and clearing lands.

3d. Giving ordinary assistance and making advances to the colonists in accordance with these regulations and the orders of the government.

4th. The acquisition of good breeds of cattle, of plants and seeds, as also making experiments on the culture of certain plants which may best thrive on the lands of the colony.

ART. 24. The board may also:

1st. Decide respecting the annual revenue and the expenditure for the objects and service mentioned in the foregoing article, taking into account the expenses of administration and others ordered by the government.

2d. Resolve, in accordance with these regulations, on the sale of lots of land belonging to those colonists who may leave them uncultured or abandoned.

3d. Resolve, in like manner, with respect to those cases, in which the colonists ought to be warned, deprived of the favors guaranteed or excluded from the colonial district.

ART. 25. The revenue of the colony comprises:

1st. Those sums which the imperial government may contribute towards its expenses.

2d. The proceeds of the sales of the lots.

3d. The advances made to the colonists and the fines that may be imposed on them.

4th. The discount up to 5 per cent. which may be made on the wages of the workmen, according to Article 35.

ART. 26. Besides the before-mentioned duties and obligations of the director, he is bound:

1st. To superintend and manage all the business and service of the colony.

2d. To receive all the revenue and apply it in the manner indicated by the board.

3d. To see that newly-arrived colonists are well received and established.
4th. To distribute the lots of lands, deliver the title deeds, make the advances, and offer the assistance and favors guaranteed by these regulations.
5th. To give employment in the colony, on wages, to those who may require this assistance, preference being given to the newly arrived.
6th. To watch over the execution of these regulations and to impose on his subordinates the penalties they may incur.
7th. To carry into effect the decisions of the board.
8th. To present in due time the accounts of the colony and the reports under his charge.

ART. 27. In the state colonies, parties may authorize their arbitrators to decide, by equity, civil-rights questions which may arise independently of the rules and forms established by law.

CHAPTER III.—RECEPTION AND ESTABLISHMENT OF COLONISTS.

ART. 28. Every colony shall have a special building, in which recently arrived colonists shall be received provisionally until their respective lots are distributed.

ART. 29. During the first ten days after arrival, those colonists who may demand it shall be maintained out of the funds of the colony, the amount of the advances just made being passed to their debit, to be reimbursed as stated in Article 6.

ART. 30. On the day that the colonist takes possession of his lot, the director shall give him, as gratuitous assistance for his first establishment, the sum of 20$000; and to a head of a family an equal sum shall be given for every person over 10 and under 50 years of age.

ART. 31. The colonists shall have the right to receive on the same occasion, the seed for the crops necessary for their maintenance, and also the agricultural implements which they may require, the amount of which, as also the cost of the clearing, of the temporary house and of all advances made, joined to the price of the lands, are to be reimbursed in the manner herein provided.

ART. 32. If there be work to be done in the colony, those colonists who may desire it shall be employed thereon for the first six months.

ART. 33. The director shall so distribute the work, that each adult of a family shall receive at least 15 days wages per month or 90 days in the half year.

For the execution of this clause two minors shall be counted as one adult.

ART. 34. The work for the newly arrived colonists shall, as much as possible, consist in the preparation of the road in continuation of their frontage, in clearing and in building their provisional dwellings, so that there shall always be from 20 to 50 lots ready for the establishment of new colonists.

ART. 35. In the colonies where the inhabitants shall number more than 500, the wages of the colonists shall suffer a discount of not more than 5 per cent., which shall be paid into the respective treasury, after approval by the president of the province.

CHAPTER IV.—SUNDRY CLAUSES.

ART. 36. Every colonist who shall not work assiduously on his farm or at his trade, shall be warned by the director, or, if the board so order it, deprived of colonial work and favors if he do not mend.

ART. 37. The colonist who, through laziness or bad habits, shall be deemed incorrigible, shall be excluded from the colonial *régime*, and expelled from the respective district by the president of the province, if he judge it convenient to do so for the welfare and interest of the colony; his lot and property being disposed of according to Article 12.

ART. 38. Colonists who may desire to make a remittance to a foreign country may deliver the amount to the director, who shall pass a receipt, mentioning the sort of money received.

ART. 39. The director shall immediately pay the amount into the treasury, with every particular relating to its destination, in order that the remittance may be made by government at the exchange of the day, free of expense to the colonists.

ART. 40. No slaves will be allowed, under any pretext whatever, to dwell in the colonies which may be established henceforward.

Neither shall any persons who take slaves with them be allowed to establish in the existing colonies.

ART. 41. The director shall present to the president of the province every six months a detailed report on the state and progress of the colony during the half year, in conformity with model No. 3, and annually a statement of the revenue and expenditure for the following financial year, organized by the colonial board.

ART. 42. The director shall also send quarterly to the treasury an account of all amounts paid.

ART. 43. Whenever government may deem it convenient, colonial agricultural asylums shall be founded for those minors under eighteen years of age who may be orphans or whose parents may have abandoned them.

In these asylums government will board, clothe, and furnish medical attendance to the inmates, and will have them instructed, according to age and strength, in those mechanical works and trades which have an immediate relation to agriculture.

ART. 44. The clauses of these regulations, where applicable, shall be extended to the existing colonies.

ART. 45. The special instructions with regard to the execution of these regulations shall be promulgated by the minister of agriculture, commerce, and public works.

Palace of Rio de Janeiro, January 9, 1867.

MANOEL PINTO DE SOUZA DANTAS.

Sundry general, provincial, and private colonies have been created in various provinces of the empire.

Some, already emancipated, are progressing, strengthened by those branches of industry which they cultivate; others, more or less prosperous, are still under the *régime* and toiling to attain the end to which others have arrived; and if there be stationary or decaying colonial nuclei, the fact ought not to be attributed to the country, but to the laziness of the immigrants. As a proof, we may adduce the fact that wealth and prosperity are enjoyed by about 130,000 Germans and descendants of German immigrants scattered over the provinces of Rio Grande do Sul, Santa Catharina, Paraná, &c.

Finally, the measures which the government of the country intend to carry out, in order to improve this branch of the public service, are indicated in the following words of the minister of agriculture:

"We must adopt an aggregate of measures perfectly adequate to satisfy the different requirements of the service; some relative to civil legislation, others directly concerning the means for receiving and establishing immigrants and regarding the *régime* and inspection of the colonies. Among the former is the law which regulates the hire both of native and foreign laborers. The latter includes the creation of an office specially devoted to the management of immigration and colonization, to the selection of government lands, the sale of them in lots at low prices, the establishment of sanitary measures for vessels carrying immigrants, the creation of colonial nuclei on fertile lands near large markets, the improvement of means of communication for the existing nuclei and for those that may be established, the creation of a territorial tax which may contribute to the utilization of lands, hitherto uncultivated, in the neighborhood of cities and important towns.

"Improve the colonial nuclei at present in existence, giving them easy means of communication with the nearest markets, and other necessary advantages to enable them to become attractive; prepare lots of land in the neighborhood of railroads and not far from markets and towns where the immigrant may meet with easy sale for the product of his labor; substitute the official colonial agency, created by decree of April 20, 1864, by an inspector general with more ample powers, which should comprise the introduction, reception, and establishing of immigrants; attaching to the same an auxiliary board composed of natives and foreigners, to be consulted in matters referring to colonization and which should co-operate in the reception and establishing of immigrants."

And so it ought to be, because if, as Ribeyrolles says, in Europe the problem of production depends on the means of giving to a too numerous population the land which it lacks; in Brazil, on the contrary, the problem is how to give to the richest soil in the world the population which it needs.—(Dr. N. Joaquin Moreira.)

REPUBLIC OF MEXICO.

Area, 743,948 square miles, or 476,126,720 acres. The following are the laws for colonization and grants of public lands to immigrants:

DEPARTMENT OF COLONIZATION, INDUSTRY, AND COMMERCE.

SECTION 1.

The President of the Republic has sent me the following decree:

Sebastian Lerdo de Tejada, constitutional President of the United Mexican States to the inhabitants therein, know:

That Congress has issued the following decree:

Congress resolves:

ARTICLE 1. Until a law shall be enacted that shall definitely determine and regulate everything concerning colonization, the Executive is hereby authorized to enforce this law either by direct action or by means of contracts carried out by private organizations under the following bases:

I. To grant each organization—a subsidy for each family that shall settle, or a

smaller subsidy for each family that shall land, in some place in the Republic; an advanced portion, not exceeding 50 per cent. of said subsidy at reasonable rate per cent. interests; lands capable of being colonized, after measurement, survey, and valuation at a moderate price payable on ample time in annual installments; a premium for each immigrating family; an exemption from duties to every vessel that shall bring to the Republic ten or more families; a premium for each native family that shall settle in immigrant colonies; a premium for each Mexican family that shall settle in frontier colonies.

II. To require from said organizations: a sufficient guarantee for the fulfillment of their contracts, stating the cause of forfeiting and of fine; a security that the colonists shall enjoy, as far as it may depend on the contractors, the privileges granted by this law.

III. To grant the settlers: Mexican naturalization and citizenship in the proper cases; an advanced payment of transportation expenses; a living for one year after they have settled; farming tools and building materials for the construction of their houses; an acquisition of a determined tract of land, for tillage and building purposes, at a low price, payable on ample time, in annual installments, commencing from the second year after the settlement; exemption from military service and all kinds of imposts, excepting municipal taxes; exemption from all kind of importation and interior duties on everything destined for the colonies, such as farming and shop tools, machines, chattels, building materials, domestic furniture, working and breeding animals; exemption also, personal and not transferable, from export duties on their crops, and free letter postage, through the department of foreign affairs or by means of especial postage stamps, over their native country or former residence; premiums and especial protection for the introduction of a new culture or industry.

IV. To demand from the settlers the fulfillment of their contracts in accordance with the common laws of the country.

V. To appoint and send to the field the reconnoitering commissions authorized by the twenty-sixth section of the present budget, to select the lands capable of being colonized, with the due requisites of measurements, demarcation, valuation, and description.

VI. That any person occupying a tract of public lands in obedience to the requisites demanded by the previous fraction, shall have one-third of said land or its value, provided said person be duly authorized.

VII. This power of authorization shall belong exclusively to the Executive, who shall not deny the same to any State that may demand it for the lands within its boundaries. The authorization granted, as above, to the States or private citizens, shall be void if for three months from the granting thereof the corresponding operations (stated in section V) have not been commenced.

VIII. To acquire, if deemed expedient, by purchase or any contract in accordance with the rules already fixed in fraction VI, lands capable of being colonized, owned by private citizens.

IX. To locate upon the lands of private citizens, when the owners of the same desire it, colonists that, by virtue of the immigrating contracts already made, may be at the disposal of the Executive.

X. Said colonies shall be considered as such, and shall enjoy the peculiar privileges above related for ten years, at the expiration of which said privileges shall cease.

ART. 2. The Executive is likewise authorized to dispose, in the next fiscal year, of the amount of $250,000 to defray the expenses required by this law, including the surveying commissions.

Legislative Palace, Mexico, May, 1876.

JULIO ZARATE,
Presiding Representative.
ANTONIO GOMEZ,
Secretary Representative.
J. N. VILLADA,
Secretary Representative.

I order, therefore, the above law to be printed, published, circulated, and complied with.

Executive Palace, Mexico, May 31, 1876.

SEBASTIAN LERDO DE TEJADA.

To BLAS BALCARCEL,
Minister of Colonization, Industry, and Commerce.

I communicate the same to you for your own knowledge and proper uses.
Independence and Liberty, May 31, 1876.

BALCARCEL.

MINING LAWS OF SEVERAL COUNTRIES.

For a review of the mining laws of Mexico and Spain, see Report of the Public Land Commission and Testimony, February 24, 1880.

PORTUGAL.

The most ancient document that is known relative to mines is of the year 1210, during the reign of King D. Sancho I, and it had for its object the making of a donation of a tithe of the gold of Adiça to the Order of Santiago.

There did not exist any general law. The mines belonged exclusively to the Crown, and they were worked by the King, or by private parties to whom by a special diploma permission was granted to mine. The concesssions thus made to private parties were always regarded as a privilege and a grace, which the King bestowed on his favorites.

The privilege was always temporary, and the miners paid a royalty to the Crown, which generally was at the rate of the "fifth part" of the produce.

King Duarte's Law (1433–1488.)—The above regimen lasted until the reign of King D. Duarte (1433–1488), the period in which the first mining law of Portugal was promulgated.

By this law every one was allowed to work mines in any place. The miner paid a royalty of "two tithes" of the produce of the mine, whenever the same was located on lands belonging to the Crown; but if it was located on private property, the said impost was equally divided between the proprietor and the King. The miners paid besides that a certain entrance fee in order to obtain the grant, and a fixed annual tax.

This law was not, however, rigorously observed, and the conditions imposed on the concessions were very changeable.

The period of the concession was sometimes fixed, and again its terms were not defined. It seems that the new principle of the proprietor's participation in the profits of the mines was always preserved.

King D. Manoel's Law, 1516.—The law of the King D. Duarte remained in force until 1516, the date at which the second decree on mines, known under the title of "Regimento de Ayres do Quental" was promulgated by King D. Manoel. The fundamental principle of King D. Duarte's decree was done away with entirely in this second law; the proprietor remained without any rights at all over the miner's interest; the mining prerogatives did remain with as much plenitude as in the time of the kings before D. Duarte. The proprietor had the right to demand indemnity for the damages caused to his cultivated fields, but was obliged to allow the cutting down of wood for the foundries, without any redress whatever.

The impost continued to be a "fifth," but the miner was obliged to sell his metals to the King's stores at a fixed price, which was below the market price. Therefore, the imposts paid by the miner were far in excess of 20 per cent. of the production. This law retarded very much the development of mines.

In the year 1557 a new decree was promulgated, which, without altering the fundamental basis of King D. Manoel's law, had the advantage of permitting the free sale of the metals; but later enactments restrained this faculty in regard to certain metals, the others remaining subject to forced sales. The tax continued to be a "fifth," but the fisc invented a new way to raise that impost; whenever a mine was bringing in profits the King could take a fourth himself, contributing towards its workings with proportioned expenses; so that the miner, besides paying an impost of 20 per cent. on the produce, found himself obliged to give to the King 25 per cent. of the net proceeds. Under such a regimen the mining interests got into such a deplorable state that further regulations promised premiums to any one who should discover any mines, but the demands of the fisc continued so severe that the premium, by itself, was not enough to promote the development of mines.

With the purpose of reanimating this industry, almost extinct, "A General Superintendence of Mines and Metals of the Kingdom" was created in 1801, under whose immediate control the mines were explored, the government defraying all expenses. This new method was by no means productive of any better results, which was a defect of the system. At the end of this regimen there were to be found hardly four mines in operation—two of coal, one of antimony, and one of lead—of which only the coal mine of "S. Pedro da Cova" was able to realize any net profits, which were employed in assisting in the outlay of the others.

The "General Superintendence of Mines and Metals of the Kingdom" did but prove once more how impossible it is for any industry to prosper under the management of any government.

By an ordinance (potraria) of the 6th of August, 1836, a grant was given to the lead mine of Braçal, and the decree of the 25th of November of the same year, reaffirming

said ordinance, put an end to the privilege which the State since the year 1801 had arrogated to itself of working the mines on its own account.

But the decree of the 25th of November granted only the temporary use of the mines, the State reserving to itself the right of possession; the industry not finding, therefore, in the law sufficient guarantee for its own free development.

The above law was kept in force till the year 1850, and during that period of 14 years only 35 mines had received concessions.

The decree of the 25th of July, 1850, came to promote the creation of the mining property, consecrating the principle of concession for an unlimited period.

The decree of 1836, to a certain extent, became completed by that of 1850; the former, by abolishing the privilege of the State, created the right to the mines; the latter created the mining proprietorship. This law lasted until 1852, and during this period no new grants were made.

The decree of the 31st of December, 1852, adopting the fecund principle of the former and improving some of its regulations, opened a new era of prosperity to the mining industry.

By accepting the basis of the French law of the 21st of April, 1810, this decree regulated the separation of the superficial and subterranean property, circumscribed the rights of the proprietors and of the grantees, and the discovery of mines found, in the decided advantages conceded to the discoverer, a very powerful incentive for its progressive development.

The fundamental principles of the present law are the following:

Every one who should discover a mine has the right to its grant, whether it be located in his soil or not.

The proprietor of the soil is obliged to consent to the working of the mine.

The miner is obliged to give the owner of the soil previous security for the indemnization of the damages he may cause.

All grants are made for an unlimited period.

The general conditions under which a grant is made, are: To keep the mine in active operation, carry on the labors with safety, and pay the imposts to the government.

The impost is of 5 per cent. of the net product of the work.

The owner of the land receives half the quantity paid to the government.

The grant may be set aside, should not the grantee satisfy the conditions under which it was made. In such a case the property remains belonging to the State, and the government can grant it anew at auction.

The objects of concessions are the deposits of metallic substances and the saline and combustible deposits.

The area granted to the metallic mines is about 500,000 square meters, and for the combustible ones of 100,000.

The law of the 31st of December, 1852, did evidently contribute very much toward the mining progress in Portugal; with all, this law could not fulfill the present requirements of the industry, and placed real impediments in its development.

The mining industry of France is, as yet, being regulated chiefly by the law of the 21st of April, 1810; and in spite of the administrative regulations that followed in succession, and the laws that have successively improved the original one, the French operators never cease demanding new legislative reforms.

Prussia, which adopted the law of 1810, forced by the pressing demands of the industry, substituted it with the one of June 24, 1865.

England, which has successively reformed several times its law of the 10th of August, 1842, again, on the 10th of August, 1872, promulgated its last law, revoking all former legislation, and introducing all the requirements that the short experience of ten years, counting from the time of the last law, deemed necessary.

Amongst us the experience of twenty years has shown us the defects of the law of 1852, and the necessity of its being reformed.

A simplification of the process for obtaining the concessions; a more complete and much better defined creation of the mining property than at present; a clearer determination of the mutual relations between the concessionists and the land-owners; the organization of safeguards of the mines, clearly defining the administrative power and the relations between the administration and the grantees; the organization, so often asked for, of a new system of imposts, are many reasons for the reformation of the actual law.

July, 1876. LAWRENCE MALHERO, *M. E.*

AUSTRALIA.

[From the work by Charles Robinson, Esq.]

MINING LAWS AND HOLDINGS IN NEW SOUTH WALES.

Under the Crown Lands Occupation Act leases are granted to all who apply for them of land not exceeding 320 acres, nor less than 40 acres, for coal mining lots, and not exceeding 80 nor less than 20 acres for other mineral lots, for the purpose of mining

for any mineral excepting gold, at a yearly rental of 5*s.* per acre, the leases not to exceed fourteen years, but to be renewable at the end of that time for fourteen years more. Lessees have to spend at the rate of £5 an acre during the first three years of their leases. They can throw up their leases at any time by giving three months notice to the minister of lands; or can convert them into mineral purchases on payment of £2 per acre, and making improvement to the value of £5 per acre.

GOLD LANDS, HOW TAKEN.

The regulations of the government are conceived in the most liberal spirit, and while they protect the miner to the fullest possible extent, they at the same time insure the freest scope to his industry. The gold in the soil is the property of the Crown; and before any man can take it he must get what is called a "miner's right." This authority to dig or mine for gold is given to all who apply for it. It costs ten shillings a year, and entitles its possessor to take up ground upon any gold field to the extent of from 60 feet by 60 feet to 114 feet by 114 feet, according to the class of mining pursued upon the particular field. If a man wants to open a quartz mine he can take up fifty feet along the line of reef (vein), with a breadth of 100 yards on each side. His miner's right also entitles him to occupy half an acre of land for his dwelling upon any proclaimed gold field, and to vote for the election of a member of Parliament. All these privileges any man may enjoy in New South Wales for 10*s.* a year. The miner is not restricted to one claim; he can take up a hundred if he likes, by virtue of his right; but then he must keep men at work upon them, and every man he so employs must also have the "right." This is not all. The miner can take up sluicing (placer) claims to the extent of ten acres; and if this be too circumscribed an area he may by the payment of £1 per acre per annum take out a lease of alluvial or quartz ground for any number of acres not exceeding twenty-five in one block (and as many twenty-five acre blocks as he pleases), or of river beds to the extent of 1,000 yards, on payment of a yearly rental of £1 for every 100 yards so taken up. To prevent monopoly, however, and to protect the interests of the miners as a body as well as of the State, the regulations provide that the miner shall forfeit his claim or his lease if he fail to work it. There is an export duty on gold of 1*s.* 3*d.* per ounce.

INDEX.

A.

Page.
Acquisition, by purchase, conquest and treaty, of territory to national and public domain ... 89–145
Acre of public domain, cost per ... 21
purchases of public domain, cost per ... 21
public domain disposed of, amount received per ... 21
Acres and location of entries under homestead act since 1862 ... 350
under desert-land act ... 363
under timber-culture act ... 361
Administration of the public lands, system of ... 164
Agents, special, for timber service, results of labor of ... 358
Agricultural lands, area of, remaining ... 22
what are and how taken, existing law ... 411
Agricultural and mechanical colleges ... 223
grants for ... 229, 230
names and locations of ... 230
Alabama, railroad grants to ... 262
State of, population at periods, Territorial organization, convention to form a constitution in, sketch of legislative history of, up to admission into the Union ... 426
Alaska, purchase of, from Russia. (See *Russia*) ... 138–145
boundary of ... 9
cost of, per acre ... 21
mineral probabilities of ... 325
survey and examination of, suggested ... 27
status of, legislation as to ... 457
private land claims in ... 409
Annapolis, meeting of commissioners from colonies at ... 58
Annexation of Republic of Texas, and present location of territory embraced in ... 124
Appropriations for surveys, how made ... 191
Arable lands, rapid disposition of ... 23
Area of national domain ... 1, 2, 10
State cessions ... 10, 11
cession to United States by Connecticut ... 87
Georgia ... 87
Massachusetts ... 87
New York ... 86
North Carolina ... 87
South Carolina ... 87
Virginia ... 86
total of, by States ... 88
cession by Mexico, Guadalupe Hidalgo, 1848 ... 134
Florida purchase of 1819, cost and present location ... 120
Louisiana purchase of 1803, cost and present location ... 105
Mexico purchase of 1853 (Gadsden), cost and present location ... 138

Page
Area of Mexico purchase of 1848 (Guadalupe Hidalgo), cost and present location ... 134
Russia purchase of 1867 (Alaska), cost and present location ... 145
State of Texas purchase of 1850, cost and present location ... 135
Republic of Texas annexed to United States, and present location ... 124
public domain ... 10, 11
"public land strip" ... 462
precious metal and mining lands on public domain ... 325
lands granted for canals, wagon and military wagon roads ... 258, 260, 287
railroads ... 269, 287
confirmed private land claims in California ... 381
New Mexico ... 406
all private land claims or grants, patented or unpatented ... 409
lands taken under armed-occupation act, in Florida ... 295
donation act in Oregon ... 296
Washington Territory ... 296
New Mexico ... 297
county-seat act ... 298
town-lot act ... 298
town-site act ... 298
Indian reservations ... 244-247
military reservations ... 250-254
salines reservations ... 218
school reservations ... 223
swamp and overflowed lands granted the several States ... 222
lands sold under graduation act ... 291
coal lands sold ... 293
remaining ... 292
scrip issued by General Land Office ... 290
surveyed lands on public domain to June 30, 1880 ... 188
unsold ... 15
unsurveyed public lands ... 16
public lands disposed of ... 14
undisposed of ... 14, 15
remaining public lands in Southern States June 30, 1880 ... 16
agricultural lands remaining ... 22
Arizona, Territory of, when organized, legislation as to ...
population at periods ... 455
private land claims in ... 394
legislation as to ... 408
list of private land claims in, reported to Congress ... 409
number of private land claims in, pending in General Land Office ... 409
no statute of limitation as to private land claims in ... 406
Arkansas, State of, population at periods, Territorial organization, convention to form constitution of, sketch of legislative history of, up to admission into the Union ... 430
Armed-occupation act, settlement of Florida under ... 295-297
Articles of confederation ... 59
boundary clause of ... 62
Ashburton-Webster, Washington treaty of 1842 ... 5
Assistant Attorneys General for Interior Department, list of ... 165
Asylum, Deaf and Dumb, of Kentucky, grant to ... 212
Attachment of railroad rights to lands granted ... 280

Page.

Attorneys-General, Assistant, for Interior Department, list of 165
Australia, disposition and sale of public lands in 477
Authorities under chapter on English colonization and charters 55
Australia, public land system of 504
colony of Victoria 504
New Zealand 506
New South Wales 507

B.

Bastrop grant 373
Baton Rouge, West, grant to, for levee purposes 211
Batture, the, private land claim 374
Boundaries of national and public domain of United States 2-9
Republic of Texas, as annexed 121
cession from Mexico, treaty of Guadalupe Hidalgo 127, 128
Boundary and land clause in articles of confederation 62
Boundary lines between land States and Territories, survey of 179
exterior national land and water, of United States, length of ... 464
eastern national, how settled 8
northern national, how settled 3-7
southern national, how settled 8-9
western national, how settled 8
of Alaska 9
province of East and West Florida 120
Louisiana 104
Bounties, land, for British deserters 209
educational purposes 223
Mexican war 235
revolutionary war 232, 236
war of 1812 234
timber culture 360
warrants for, total number issued 235, 237
Brazil, laws relating to disposition of Crown lands in and regulations as to colonies 508
disposition and sale of public land in 477
British deserters, land bounties to 209
British Province of West Florida 88
Britton, A. T., Land Commissioner, compiler of permanent and temporary land laws .... iii-vi
Buchanan's, President, veto of homestead act of March 6, 1860 342

C.

California, State of, population at periods, sketch of history of, convention to form constitution and State government in, legislation for, up to admission into the Union 442
discovery of gold in 309
local mining laws therein 311
report of Col. R. B. Mason on placer mines in 312
local mining districts in, example of 317
private land claims in 377
area of 381
Corte del Madera del Presidio, Mexican grant in 382
Canada, Dominion of, Crown or public land system of; statute of 42 Victoria, entire system of survey, sale, and disposition, with forms 477

Page.

Canadian and French settlers at Saint Vincent and Kaskaskia, reservation for, in Virginia, deed of cession ... 82
land system, forms in land entries, small number of ... 501
refugees, grant to ... 210
Canal lands granted, Congress and administration ... 259
grants, Ohio, Indiana, and Illinois ... 257
Canals, lands granted for ... 257
area of lands granted for ... 287
Capital of the United States ... 462
Cash sales and disposition of public lands for twenty years prior to 1880 ... 23
of public lands, acres estimated of, from origin of public domain ... 216
of mineral lands ordered ... 308
of public lands ordered ... 205
Cession by States to the National Government ... 10, 11
area of, in detail ... 86
Cessions of Western lands to United States by States ... 56-88
reservations in deeds of ... 82-85
Cession of Western lands to United States by States, act of legislature of Delaware thereon ... 60
Cession of Western lands to United States by States, act of legislature of Maryland thereon ... 61, 62
Cession of Western lands to United States by States, act of legislature of New York thereon ... 63
Cession by the State of Connecticut ... 72-75
Georgia ... 79-81
Massachusetts ... 70-72
New York ... 65-67
North Carolina ... 76-78
State of Tennessee embraced in ... 83
South Carolina ... 75
Texas ... 135
Virginia ... 67-70
Cession of province of Louisiana by France to Spain ... 90
by Spain back to France ... 91
by France to the United States ... 95-100
cost per acre ... 21
Cession from Mexico, Guadalupe Hidalgo, 1848 ... 124-126
cost per acre ... 21
Cession and purchase from Mexico, Gadsden purchase, 1853 ... 136-138
cost per acre ... 21
Russia, Alaska, 1867 ... 138-145
cost per acre ... 21
Charter for the Union Pacific Railroad ... 267
Charters, English colonization and, authorities under ... 55
Charters, grants and, overlapping and duplicate ... 30, 31
Chief clerks of the Department of the Interior, list of ... 165
Clarke, General Geo. R., reservation of land by Virginia for troops of his command ... 82
Clarke, Lewis and, grant to, and the men of their expedition ... 211
Classification of public lands by deputy surveyors ... 180
mineral lands by deputy surveyors, method of ... 187
the several classes of the public lands ... 411
Closing a surveying district, and transfer of books and titles to a State, manner of ... 194

Page.
Coal lands, what are, and how disposed of by existing methods 412
area of, sold 293
remaining 292
Coast and frontier line of United States, land and water, length of 464
College, Jefferson, Mississippi, grant of lands for 212
Colleges, agricultural and mechanical 223
sketch of origin of 229
grants in scrip or "place;" tables 229
endowment through sale of scrip or land 230
Colonies, American, tenures in 465
form of government in 465
retrospect of laws of, as to lands 466
on Crown lands in Brazil, form of 508
union of American 56
commissioners from the, meeting of, at Annapolis 58
population of, up to 1790 464
Colonization and charters, English authorities under 55
in America, early English attempts 31
of the Carolinas, North and South 51
early settlement of, charters of 51
sketch of colonial history of, to separation 51, 52
Colonization of Connecticut 39
Delaware 47
Georgia, early settlements 53-55
Maine, grant to Pierre du Gast 36
grant to Gorges 37
political history of, to 1820 ..... 37, 38
Maryland 49
Massachusetts 34
New Hampshire 38
New Jersey 44
New York 42
North Carolina 51
Pennsylvania 45
Rhode Island 41
South Carolina 51
Vermont (the New Hampshire grants) 41
Virginia, 1st, 2d, and 3d charters 32
Colorado, the State of, population at periods, Territorial organization, constitution of, and sketch of history of legislation for and up to admission into the Union 451
private land grants in 394
list of private land claims reported to Congress and awaiting action. 407
number of private land claims pending in General Land Office 406
no statute of limitation as to private land claims in 406
Commissioners from colonies, meeting of, at Annapolis 58
Commissioners of the General Land Office, list of 166
duties of 166
Confederation, articles of 57
Congress of the, acts upon Constitution 58
Congress organizes the government under the Constitution 59
sessions of, granting lands to canals 259
wagon roads 261
railroads 273

Page.
Congressional action, early, as to sale and disposition of the public domain...196-208
Connecticut, colonization of........ 39
sketch of colonial history of, charter of........ 39
cession of lands to United States........ 40
adopts the Constitution of the United States........ 40
State of, cession by, to United States........ 72, 73
jurisdictional cession of the Western Reserve........ 73, 75
deeds and act of cession........ 70-75
area of cession to the United States........ 87
"fire lands" in Ohio........ 82
and Pennsylvania, boundary question........ 85
Constitution of the United States, convention to form........ 58
ratification of, by States, with dates of........ 59
provisions of, as to States and Territories... 416
Constitutions of the several legislative States, conventions to form, votes on adoption of, &c........416-464
Convention to form Constitution of the United States........ 58
Corporations, land grants to........ 267
Corte del Madera del Presidio, Mexican grant in California........ 382
Cost of the public domain per acre........ 21
purchases of public domain per acre........ 21
cession from State of Georgia........ 21
survey and disposition of the public domain from 1785 to 1880........ 192
survey under rectangular system to June 30, 1880........ 189
from 1860 to 1881........ 190
surveying a township under present system, 1880........ 191
County-seat act, area taken under........ 298
entries under........ 305
Counties in the United States, number of........ 29
Credit system of sale of public lands........ 202
Crown lands in Brazil, colonies on, form of........ 508
Dominion of Canada........ 477
Crozat, grant to........ 89

D.

Dakota, Territory of, population at periods, when organized, legislation as to.. 455
Deaf and Dumb Asylum of Kentucky, lands granted for........ 212
Definitive treaty of 1783, with Great Britain, private land grants under........ 370
Delaware, colonization of........ 47
early settlement of, charter of........ 47
sketch of colonial history to 1776........ 47, 48
adopts the Constitution of the United States........ 49
Department of the Interior, created........ 164
Secretaries of, list of........ 165
Assistant Secretaries of, list of........ 165
chief clerks of, list of........ 165
Assistant Attorneys General for, list of........ 165
Commissioners of the General Land Office, list of.. 166
Commissioners of the General Land Office, duties of. 166
Derivation of names of the thirteen original States........ 464
land States and the Territories (*see* each State and Territory)........416-464
Desert land act, special and general legislation as to, result of........ 363
lands, what are and how disposed of, existing methods........ 415

Page.
Desert, new system of granting, suggested 27
Disposition and sale of public lands in Canada, Brazil, Mexico, and Australia.. 477
of the public domain, various methods of, 1784 to 1880 198
existing methods 411
plan of Alexander Hamilton, for 196
a general system proposed 203
procedure and method, December 28, 1814 203
exclusive of Tennessee, amount received therefore per acre 21
District of Columbia, history of, and condition 624
Distribution act of 1841 256
Ditch and water rights, left to local usage 322
Dominion of Canada, Crown or public lands in 477
Donation act, Florida 295
New Mexico Territory 297
Oregon 296
Washington Territory 296
Donations, miscellaneous, and grants special 209
land bounties for British deserters 209
grant to Canadian and Nova Scotia refugees 210
to Deaf and Dumb Asylum of Kentucky 212
to A. H. Dohrman 209
to French inhabitants at Galliopolis 210
to Jefferson College, Mississippi 212
to the Marquis La Fayette 211
for levee purposes, Point Coupee and West Baton Rouge 211
to Lewis and Clarke and men of their expedition 211
to Moravian Indians 211
to inhabitants of New Madrid 211
to Polish exiles 212
for religious purposes 209
to Ebenezer and Isaac Zane 210
Dohrman, A. H., grant of land to, for aid to American sailors, 1787 209
Donaldson, Thos., Land Commissioner, compiler of History of Public Domain.. iii–vi
Dubuque, lead mines at 374
Dutton, C. E., Secretary of Land Commission ..... iii–vi

E.

Eastern national boundary lines, how settled 8
Educational land bounties to States 223
grants and reservations for common and public schools 223
for seminaries and universities 223
for universities; table 228
of the sixteenth and thirty-sixth sections 224, 225
acreage reserved and patented under sixteenth and thirty-sixth sections 228
manner of selection of school lands 227
indemnity selections 227
for agricultural and mechanical colleges 229
endownment of lands in place or scrip 229
sketch of origin of 229
scrip and place locations; table 229
for colleges, and endownments through sales of land or scrip 230

Page.
English colonization in America and colonial charters 30–55
Entries under the homestead acts, number of, to June 30, 1880, with tables 350
"Erie purchase" by Pennsylvania from United States 71
Exploring expedition in the Louisiana purchase 106–108
Extinguishment of Indian titles to public lands, manner of 240
cost of 20

F.

"Fire lands", Connecticut, in Ohio 82
Florida, East and West, province of, purchase of, from Spain by United States .. 108
cost and area of purchase 120
cost of, per acre 21
private land grants or claims under ... 366, 371, 377
negotiations for, and treaty of cession 110–114
political action thereon, ratification of, by Spain 114
proclamation of treaty 115
transfer of the province to United States, and manner of taking possession 116–119
boundaries of the Floridas 119
decisions of court explaining treaty, authorities referred to 120
settlements in, under armed occupation act, and area taken 295
British Province of West 88
Florida, State of, population at periods, Territorial organization, constitutional convention, sketch of history of legislation for, up to admission into the Union. 433
Forms used in land entries, land system of United States, reference to their great number 503
Canadian land system, small number of 501
France, cession of Province of Louisiana to Spain by 90
back to, by Spain 91
to United States by 95–99
lands acquired from, by purchase and treaty 11
Louisiana purchase of 1803 from, private land grants or claims under ... 371
French and Canadian settlers at Saint Vincent and Kaskaskia, reservation for, in Virginia deed of cessions 82
inhabitants of Galliopolis, grant and confirmation of lands to 210
Frontier and coast line of United States land and water, length of 464
Funds, 2, 3, and 5 per cent. grant to States from net sales of lands, amount of ... 238

G.

Gadsden purchase, Mexico 136–138
1853, private land claims under 377
Galliopolis, French inhabitants of, grant to 210
General Land Office, the, created 164
importance of 166
duties of Commissioner of 166
present organization of 167
salaries and compensations of officers of 170
offices subordinate thereto 170
list of claims for private land grants, pending in 381
Genevieve, lead mines at, claim for 373
Geographer of the United States, origin of office 170
Geological surveys under the General Land Office, date and number of 180
Georgia, colonization of 53

Page.

Georgia, early settlement of, charter of 53
sketch of colonial history of, to 1776 .... 53, 54, 55
cession of lands to the United States 55
adopts the Constitution of United States 55
State of, cession by, to United States 79
several preliminaries 79, 80
articles of agreement to cede 80
final act 81
area of cession from 87
cost per acre 21
reservations in deed of cession 82
Ghent, treaty of, and commissions thereunder 4
Gold, discovery of, in California 309
executive recommendations as to 309
production of, since 1848, from public domain 320
Government of the United States, organization of 56
seat of 462
goes into operation under the Constitution .. 59
Government of the Territories, form of 416, 418, 452
Graduation act of 1854, details of, and results under 291
"Grand model", John Locke's constitution for the Carolinas 51, 52, 467
Grants and charters, overlapping and duplicate 30, 31
to States of a portion of the net proceeds from sales of the public lands, 2, 3, and 5 per cent. funds 238
land, by former sovereigns, private land claims, origin and nature, full details 365
Great Britain, treaty with, 1783, private land claims under 370

H.

Hamilton, Alexander, Secretary of the Treasury, plan for the disposition of the public lands 198
Hidalgo, Guadalupe, treaty of cession from Mexico, 1848 .... 126, 132
private land claims under 377
Historical and statistical table of the United States and Territories; civil divisions; the thirteen original States; legislative States; States admitted; public land States and Territories; Territories existing; dates of acts organizing Territories; dates of ratification of Constitution of United States; act admitting States; dates admission took effect; area in square miles and acres of Nation and minor divisions; number of counties in each State and Territory; number of acres surveyed to June 30, 1880; number of acres remaining unsurveyed to June 30, 1880; population in 1870 and 1880; names of Presidents under whom admitted 28, 29
Homesteads, Indian 242, 243
Homestead, several acts, sketch of history of, origin of law 332
congressional action on Mr. Grow's amendment for 333
bill No. 72, H. R., February 1, 1859 333
vote upon passage of, in House 334
dilatory motions upon, in Senate 335
defeat of, in Senate 336
bill of March 6, 1860; Mr. Lovejoy's report 336
action of House upon, and passage 337
action of Senate upon, and passed with amendments 338
Mr. Colfax's conference report upon, in House. 339
vote upon report and passage of bill 340

Page.
Homestead, the bill as passed 340
veto of, by President Buchanan 342
bill of July 8, 1861, Mr. Aldrich's, sent to committee, reported back,
and action of House upon 345
amendments offered to, and passed the House.. 346
in Senate March 25, 1862.. 347
considered and passed 347
the act as passed 347
President Johnson's opinion of 347
acts and amendments 349
law, existing, who may have the benefits of 412
soldiers and sailors and Indians 349
acts, the essence of, and benefits 350
total number of entries under, to June 30, 1880, tables, &c.... 350
clause in, relative to timber culture 361
form of patent for a 356
Houmas grant or claim 373
Hudson Bay Company, possessory land claims of 409

I.

Idaho, the Territory of, population at periods, when organized, legislation as to 456
Illinois, State of, population at periods, Territorial organization of, constitutional convention in, sketch of legislation for, up to admission into the Union 425
canals in, lands granted for 257
grant to, for a railroad 261
legislative history of the grant, S. A. Douglas ... 262
Illinois Central Railroad, receipts of the State of, from 264
amendments to the State constitution relating to.... 265
Improvements, internal, State selections for, act 1841 255
lands granted to Territories in aid of 259
Indian homestead acts and amendments 349
homesteads 242
pueblos in New Mexico, number and names of 404
titles to public lands, cost of quieting 20
reservations from the public domain 240
how made, procedure 243
Indian occupancy title to lands 240
number of acres held by each Indian 244
references as to 248
survey of, by whom 179
area, number, and location of, by States and Territories.... 244
extinguishing Indian title to lands 240
how abolished, procedure 243
tribes not to be hereafter recognized as independent nations........ 244
tribes in Indian Territory, lands held by 459
treaties, relating to Indian Territory, constitutional conventions in....459, 460
Indiana, State of, population at periods, Territorial organization of, sketch of legislation for, up to admission into the Union 424
canals in, lands granted for 257
Indian Territory, condition of lands therein 458
lands therein and surveys 457
legislative history of 458
treaty, history of 460
reservations in, as to 459

Page.
Indians, Moravian, grant to 211
Internal improvements, State selections for, act 1841 255
land granted to Territories in aid of 259
Iowa, State of, population at periods, Territorial organization, constitutional convention in, sketch of history of, and legislation for, up to admission into the Union 437
Iron held to be a valuable mineral 324
Islands on public domain, survey of 179

J.

Jacksonville, Cal., organization of the mining district at 317
Jefferson College, Mississippi, grant of land for 212
Jefferson, President, report of, taking possession of Louisiana by United States . 101–103
Johnson's, President, opinion of homestead act of July 8, 1861 347
Joint High Commission, Washington treaty of 1871, and awards thereunder 7

K.

Kansas, State of, population at periods, Territorial organization, the several constitutional conventions of, sketch of history of legislation for, up to admission into the Union 445
Kaskaskia, Saint Vincent and, reservation for settlers at, in Virginia deed of cession 82
Kentucky, State of, population at periods, Territorial organization, constitution of, sketch of history of legislation up to admission into the Union 420
Deaf and Dumb Asylum of, lands granted for 212
King, Clarence, Land Commissioner .... iii–v

L.

La Fayette, Major-General, grants of lands to, for services rendered the Republic 211
Land bounties and land warrants for military and naval services 232
Congressional action thereon 232
military bounty-land reservations and land districts therefor ... 232
United States military district in Ohio 232
Virginia military districts in Ohio 232
military reservations for, theory of 234
Land bounties, warrants for service in war of 1812 234
for revolutionary war and war of 1812, number issued 236
warrants for service in the war with Mexico 235
to British deserters 209
to States, educational 223
for timber culture 360
scrip in lieu of land warrants issued 236
acres embraced in all grants of 235
warrants, location of, for year 1880 236
total number issued 235
and acre tables 237
Land grants for canals, Congress and administration granting 257
to corporations 267
for military wagon roads 260
for public improvement 257
to railroads, date of law, mile limits, and amount patented to June 30, 1880 274
for religious purposes 209

Page.

Land grants to States for railroads ... 261–267
  to Territories in aid of internal improvement ... 259
  for universities ... 223
  for wagon roads, Congress and administration granting ... 260
Land system of United States, forms in land entries, reference to their great number ... 503
  Canada, forms in land entries, small number of ... 501
  United States adopted from that of colonies, and more especially Pennsylvania ... 468
  public, of Canada ... 477
    of Australia, colony of Victoria therein ... 504
      New Zealand therein ... 506
      New South Wales therein ... 507
  in Brazil, colonies therein ... 508
  in Mexico, as to colonies ... 512
Land in Maryland, proprietary, form of warrants granting same ... 474
Land measures in Mexico, table of ... 399
Land law and system of the colony of Pennsylvania ... 468
Land offices, local or district, names and location since 1800 ... 173
    list of existing ... 176
  receivers of ... 171
    established duties of ... 201
  registers of ... 171
    established duties of ... 201
Land parceling surveys, method and system ... 179
Lands, present actual receipts per acre under settlement laws ... 25
Land patents, number of ... 168
Land sales, public, net proceeds of, distributed, 1841 ... 255
Lands in the colonies, retrospect as to laws for ... 466
  surveys, price of lands and grants of ... 466
Lands acquired by treaty, purchase, and capture from France, Spain, Mexico, Texas, and Russia, area and cost ... 11, 12, 13
Lands, agricultural, what are, and how disposed of, existing methods ... 411
  coal, legislation on, estimate of area of, on public domain ... 292
    entries under the coal-land acts ... 293
    what are, and how disposed of, existing methods ... 412
  desert, what are, and how disposed of, existing methods ... 415
Lands graduated and sold under act of 1854, results of act ... 291
Lands in Northwest Territory, act for sale of ... 200
Land system, organization suggested ... 27
Lands, what, are surveyed ... 185
Lands, public, cash payment for, ordered ... 205
  credit system for sale of ... 202
  disposal of, by public offering and sale ... 206
  prices of, at different dates since 1784 ... 208
  reserved, leased by surveyor-general ... 202
  acres surveyed to June, 1880 ... 188
  receipts from sales of ... 17
  cost of, with tables ... 18
  cost of surveying from 1785 to 1880 ... 192
  cost per acre ... 21
  cost of purchases, per acre ... 21
  cost of ceded, per acre ... 21
  cost, amount per acre realized from sales of ... 21

Page.

Lands, public, survey of islands of....179
former methods of location of....21, 22
early congressional action as to sale of....196-208
method of disposition of, 1784 to 1880....196
control and disposition of....13
disposed of, and receipts per acre....21
estimate of character and quantity remaining, with tables....25, 26
estimate of value of remaining....26, 27
(*See* Public lands, Public domain.)

Lands in the Indian Territory, how held by tribes, surveyed, unsurveyed, and unoccupied, condition and legal status of....458-462

Lands taken under homestead act cost of survey and disposition....25

Lead mines at Genevieve, claim for....373
Dubuque....374

Levee grants in Louisiana....211

Lewis and Clarke, grant of land to, and their men, for services as explorers....211
expedition....106-108

Location of public domain, former methods of....21, 22

Locke, John, constitution for the Carolinas....51, 52, 467

London treaty of 1827, and awards thereunder....4

Louisiana, Province of, purchase of, 1803, its history....89
cost of, per acre....21
private land grants or claims under....366, 371
unconfirmed private land grants in, with reference as to authority on....375
condition prior to 1803....92
grant to Crozat....89
cession of, by France to Spain....90
Spain back to France....91
France to United States....95
acquirement of, by the United States....93, 94
treaty, conventions, and political action upon the cession....96-100
report of President Jefferson and commissioners on manner of taking possession of....101-103
boundaries of....104
area and present location of territory once in....105
explorations of....106
historical references upon....108
levee grants in....211

Louisiana, State of, population at periods, Territorioal organization, constitution, and sketch of legislation up to admission into the Union....423

M.

Maine, colonization of....36
grant to Pierre du Gast....36
Gorges....37
political history of, to 1820....37, 38
sold to Massachusetts....38
admitted into the Union 1820....38
State of, population at periods, Territorial organization, sketch of legislation up to admission into the Union....427

Maison Rouge grant....373

Page.

Maryland, colonization of 48
- early settlement of, charter of 49
- sketch of colonial history up to 1776 .... 49, 50
- adopts the Constitution of the United States 50
- action of legislature on cession of Western lands to United States .. 61, 62
- land system in, proprietary form of warrants granting land in 474

Mason, Col. R. B., report of, on placer mines in California 312

Mason and Dixon's line, history of 49, 50

Massachusetts, colonization of 34
- political history of, during colonial times until 1776 34-36
- grants and charters of 34-36
- adopts the Constitution of the United States 36
- cedes claims to Western lands to United States 36
- Maine sold to 38
- State of, cession by, to United States 70-72
  - area of cession 67

Mechanical and agricultural colleges 223
- grants for 229, 230

Mecklenburg declaration of independence 52

Meridians and base lines in surveying system 179

Metals, precious, States and Territories on public domain bearing 306

Mexican grant in California, Corte del Madera del Presidio 383

Mexico, cession and purchase from, Gadsden purchase, 1853 136
  - area, cost, and present location 138
  - cost of, per acre 21
- cession from, Guadalupe Hidalgo, 1848 124
  - preliminary attempt at purchase of territory thereunder 124
- cession from, Guadalupe Hidalgo, 1848; war with Mexico 125
  - steps towards peace 125
  - the treaty of cession 126
  - area, cost, and present location of 134
  - cost of cession per acre 21
- lands acquired from, by purchase and treaty 11, 12
- land warrants for service in war with 235
- disposition and sale of public lands in 477
- table of land measures in 399
- laws for colonization, and grants of public lands to immigrants, manner of 512
- mining laws of, references to 514

Michigan, State of, population at periods, Territorial organization, constitutional convention, and sketch of legislation up to admission into the Union 431

Military district of United States in Ohio 232
- Virginia in Ohio 233
- lands of Virginia in Ohio 84

Military and naval land bounties, reservations and warrants for 232, 234

Military reservations upon the public domain 249
- how made, form of procedure 249
- how restored to public domain 249
- area, location, and number 250-254

Military wagon roads 260
- grants of lands to, date, mile limits, and acres certified or patented 279
- Congress and administration, when granted 261

Page.
Military wagon roads, area of grants 287
Mineral claims, method of surveying 186
number located and patents, to June 30, 1880 .... 324, 325
Mineral lands of the public domain 307
on the public domain, estimate of area of 325
Congressional action as to 306
on Pacific Coast, Congressional action as to 311
and mines, executive action as to 307
cash sales of, ordered in base-metal regions 308
classification of, by deputy surveyors, method of 187
coal 292
in charge of the War Department 308
condition of, prior to 1866 221
what are, present classification and disposition 411
policy of the United States in relation to 324
discovery of gold in California 309
Mineral reservations in Northwestern Territory 306
Mineral, valuable, iron held to be a 324
Minerals in private land claims 409
Mines on the public domain 306
yield of, since 1848 320
placer, in California, report of Col. R. B. Mason on 312
lead, at Genevieve, claim for 373
at Dubuque 374
Mining act of July 26, 1866 321
May 10, 1872 322
chapter 26, references under 328
district under local usage, how formed 317
camp at Jacksonville, Cal., as an illustration 317
district, present method of organizing a placer or quartz 318
land on Pacific Coast, recommendations as to 318
law, existing 322
laws in California, local 311
laws of Mexico, Spain, Portugal, and New South Wales, Australia 514
legislation, retrospect of, prior to 1866 319
patents, cost of, to United States and claimants 323
patent for placer claim, form of patent for 329
quartz claim, form of patent for 330
Minnesota, State of, population at periods, Territorial organization, constitutional convention, and sketch of history of legislation for, up to admission into the Union 443
Mississippi, State of, population at periods, Territorial organization, constitutional convention, and sketch of history of legislation for, up to admission into the Union 424
Mississippi, grant of land for Jefferson College 212
railroad grant to 262
Missouri, State of, population at periods, Territorial organization, constitutional convention, and sketch of legislation, history of, up to admission into the Union 428
Montana, Territory of, population at periods, when organized, legislation as to. 456
Moravian Indians, grant of land in Ohio for, occupancy by 211

N.

National domain, the, area of 1, 2, 10
acquisition of territory to, by purchase, conquest, and treaty 89–145

Page.

National domain, the cost of purchases per acre 21
Naval service, military and, land bounties for 223
Nebraska, State of, population at periods, Territorial organization, constitutional convention, veto of act of admission, and sketch of history of legislation for, up to admission into the Union 449
Nevada, State of, population at periods, Territorial organization, constitutional convention, and sketch of history of legislation for, up to admission into the Union 448
New Hampshire, colonization of 38
political history of, to 1776 38
adopts the Constitution of the United States 39
New Jersey, colonization of, grant of 44
sketch of colonial history to 1776 44
adopts the Constitution of the United States 45
New South Wales, Australia, colony of, laws and system of disposal of crown lands. 507
mining laws in 514
New Madrid, grant to inhabitants of 211
New Mexico, Territory of, population at periods, when organized, legislation as to. 452
no statute of limitation as to private land claims in 406
donation act in 297
private land claims in 394
area of, confirmed 394
legislation as to 405
number of private land claims reported to Congress and awaiting action 407
list of private land claims pending in General Land Office 406
New Orleans, private land claims, Batture 374
New York, colonization of 42
sketch of colonial history 42
charter to the Duke of York for 43
cedes claims for Western lands to United States 44
adopts Constitution of the United States 44
State of, cession by, to United States 63-67
declaration and deed of cession 66, 67
area of cession 86
New Zealand, colony of, Australia, laws and system of disposal of crown lands.. 506
North Carolina, colonization of 51
makes cessions to United States 52
adopts the Constitution of the United States 52
State of, cession by the, to United States 76, 78
State of Tennessee embraced in 83
area of cession 87
reservations in deed of cession 82
Northern boundary line to the Rocky Mountains 5
line west of the Rocky Mountains 6
lines, how settled 3-7
Northeastern boundary question 3-5
Northwestern boundary question 6-7
Northwestern Territory, history of 146
surveyor-general of 170
act for sale of lands in 200
reservations in 306
Nova Scotian refugees, land grant to 210

O.

Page.

Obsolete territories 464
Offering and public sale of lands, method and form of proclamation 206
  public and private sales of lands 415
Ohio, State of, population at periods, Territorial organization, sketch of legislation for, up to admission into the Union 422
  lands granted to, for canals 752
  grant to, for public improvement 257
  Connecticut fire lands in 82
  grant of land in, for occupancy by Christian Indians 211
  United States military district in 232
  Virginia military, district in 233
    lands in 82
Ohio River, territory of United States northwest of 146
    claims of States to lands therein and action thereon 141–161
  territory of United States south of, boundaries, area, &c 161–163
Ordinance of 1787 146
Oregon, donation act in 296
  treaty at Washington, 1846 7
Organization of the Government of the United States 56
  Territorial, of the several States 416–464
Overflowed and swamp lands, sketch of history of 219, 220
    form of patent for 221
    area of, granted the several States 222

P.

Pacific Coast, mineral lands on the, Congressional action as to 311
  mining lands on, recommendations as to 318
Pacific railroads, proposed legislation prior to 1862 265
  Government survey for routes 266
  political action thereon 266
Pacific Railroad, the Union, charter for 267
Patent, form of for homestead 356
    pre-emption 216
    placer-mining claim 329
    railroad lands 288
    quartz-mining claim 330
    swamp and overflowed lands 221
  for private land claim, claimant pays for survey before issue of 410
Patented lands for military wagon roads 279
    railroads, amount to June 30, 1880 274
Patents, land, number of 168
  mining, cost of, to claimants and United States 323
  for mining claims, total number patented 324
  for placer claims 323
Pennsylvania, colonization of 45
  charter and early settlement of 45
  sketch of colonial history of 45, 46
  adopts the Constitution of the United States 47
  land law and system of colony of 468
  province of charter, extract from, showing Penn's absolute authority to grant lands 468
  land methods in, disposition and survey 469

Page.

Pennsylvania warrants, form of ... 470
surveys, deputies' return of ... 472
and Connecticut boundary question ... 85
"Erie purchase" by, from United States ... 71
Perdido claim, history of, with details ... 108
Placer mining act, of July 9, 1870 ... 322
claims, patents for ... 323
mining districts, present manner of organizing ... 318
mines of California, report of Col. R. B. Mason on ... 312
mining claim, form of patent for ... 329
Point Coupee, grant to, for levee purposes ... 211
Polish exiles, expelled by Emperor of Austria, grant of land to ... 212
Political divisions in the United States ... 2
Population of the United States from 1790 ... 464
colonies up to 1790 ... 464
Portugal, mining laws of ... 514
Powell, John W., Land Commissioner ... iii–v
Precious-metal bearing States and Territories on public domain ... 306
Pre-emption act, origin of ... 214
attempt to confine its benefits to citizens of United States ... 214
present law, June 30, 1880 ... 215, 412
who can have the benefits of ... 215
can be initiated on surveyed or unsurveyed lands ... 215
benefits of a pre-emption system, reasons for ... 215
form of patent for an entry ... 216
President's duty in proclaiming lands for sale ... 207
Presidents by whom grants for canals, wagon roads, and railroads were approved 259, 261, 273
Prices of public lands, various, from 1784 to 1880 ... 208
Private land claims, origin, nature, and location of ... 365
area of all claims or grants from public domain, patented or unpatented ... 409
decision of Supreme Court United States as to, under Louisiana or Florida purchases ... 366
under treaty of 1783 with Great Britain, how settled ... 370
in West Florida ... 271
under treaty of purchase of Louisiana 1803, how settled .. 371, 372
Florida 1819, references under. 377
Guadalupe Hidalgo, 1848, and Gadsden purchase, 1853 ... 377
of June 15, 1846, Hudson's Bay Company rights ... 409
in New Mexico, Arizona and Colorado ... 394
no statute of limitation as to ... 406
in Alaska ... 409
instructions Commissioner of General Land Office to surveyor-general of New Mexico, 1854, as to claims for and survey of ... 394
survey of, how done ... 410
report of surveyor-general on land claims in New Mexico. 400
several important instances of, how settled ... 373
the Bastrop ... 373
the Houmas ... 373
the Maison Rouge ... 373

Page.

Private land claims, New Orleans, Batture 374
lead mines at Genevieve 373
Dubuque 374
minerals embraced therein 409
references 375
example of a pueblo or town grant to confirmation by United States 401
town of Tomé 404
table of land measure in Mexico 399
Capt. H. W. Halleck's report on, in California 377
special report as to, by Wm. Carey Jones 377
legislation as to, in California, details, and how settled ... 378
example of a private land grant in California—Corte de Madera del Presidio—full details to final confirmation by United States 382
area of grants confirmed in California 381
area and list of claims pending in General Land Office 381
grants in Louisiana still unconfirmed 375
legislation as to, in Arizona and California 408
in New Mexico 405
number pending in New Mexico, California, and Arizona in General Land Office 406
list of, in Arizona reported to Congress and awaiting action 409
in New Mexico and Colorado reported to Congress and awaiting action 407
in Arizona in General Land Office to be reported to Congress 409

Private sale and public offerings of lands 415

Proceeds, net, of land sales, distributed 1841 256

Proclamation, form of, for offering and sale of public lands 206

Province of British West Florida 88
East and West Florida, purchase of, from Spain, history of (*see* also Florida) 108–120
cost of, per acre 21
Louisiana, purchase of, 1803, history of (*see* also Louisiana) 89–108
cost of, per acre 21
levee grants in 211
Pennsylvania, Penn's charter, extract from, showing Penn's absolute authority to grant lands 468
land methods in, disposition, and survey 469
warrants, form of 470
surveys, deputies' return of 472

Public domain, the (*see* also Public Lands) 85–145
acquisition of territory to, by purchase, conquest, and treaty 89–145
what constitutes 10
area of 10, 11
cost of, with tables 18
per acre 21
purchases and cessions of, per acre 21
receipts from, with tables 17
area of, surveyed, to June 30, 1880 188
cost of surveying, 1785 to 1880 192

Public Land, States and Territories, Names of 13-23

Page.

Public domain, the survey of islands on ... 179
former methods of location of ... 21, 22
early Congressional action as to sale of ... 196–208
method of disposition of, 1784 to 1880 ... 196
non-taxation of, stipulation as to ... 14
control and disposition ... 13
disposed of—exclusive of Tennessee—amount received per acre ... 21
Indian reservations from ... 240
military reservations upon ... 249
how restored to ... 249
estimate of character and quantity of, remaining, with tables ... 25, 26
estimate of the value of, remaining, giving classes and kinds, with value, with tables ... 26, 27
States and Territories on, bearing precious metals ... 306
area of precious metal and mineral lands ... 325
mineral lands on ... 307
mines on ... 306
yield of, since 1848 ... 320
gold and silver, products of, from, since 1848 ... 320
Public improvements, land grants for ... 257
"Public land strip," location, area, and legislation as to ... 462
Public or Crown land surveys in Dominion of Canada, method of ... 494
Public lands, control of, on the admission of States ... 13, 14
administration of, and system ... 164
stipulation of United States as to non-taxation by States ... 14
Alexander Hamilton's plan for disposition of ... 198
disposition of, a general system proposed ... 203
under various laws from 1785, tables and statistics. 22, 23
sale and disposition of, existing methods ... 411
disposal of, by public offering and sale, method of ... 206
rapid disposition of arable lands, table ... 23
cash sales and disposition of, for twenty years prior to 1880 ... 25
cash system of sales of ... 205
credit system of sales of ... 202
price of, at different dates since 1784 ... 208
area disposed of and remaining ... 14, 15
aggregate acres disposed of during fiscal year 1880 ... 23
receipt from sales of, for 1880, by States, items of ... 24
area of, in Southern States, with tables to June 30, 1880 ... 16
area of remaining agricultural lands ... 22
taxation of ... 239
sales, net proceeds of, how distributed, act 1841 ... 256
grant to States of portion of net proceeds from sale of ... 238
reserved, leased by surveyors-general ... 202
surveyors-general of, list of offices to June 30, 1880 ... 171, 172
surveys of ... 178–195
classification of, by deputy surveyors ... 186
surveyed and unsold, with table ... 15
area of unsurveyed ... 16
cost of survey and disposition ... 18, 19
cost in excess of receipts ... 21
cost of quieting Indian titles to ... 20

Page.
Public Land Commission, organization, committees and publications of........ iii
Public Land Commission, final report of........ v–vii
Public lands, cost of and receipts from, per acre........ 21
title occupancy of Indians to, how extinguished........ 240
existing classification of agricultural........ 411
coal........ 411
desert........ 411
mineral........ 411
saline........ 411
timber and stone........ 411
town site........ 411
stone and timber........ 411
remaining in Ohio, Indiana, and Illinois can be entered at General Land Office........ 422
Public offering and private sale of lands........ 415
Puêblo or town grant, by Spanish authority, example of a........ 401
Pueblos, Indian, in New Mexico, names of, and number........ 404
Purchase, acquisition by conquest, treaty, and, of territory to national and public domain........ 11–13, 89–145
Purchase of public and national domain from France, 1803, and cost per acre........ 11, 21, 89–108
Purchase of public and national domain from Spain, 1819, and cost per acre........ 12, 21, 108–120
Purchase of public and national domain from Mexico, Guadalupe Hidalgo, 1848, and cost per acre........ 12–21, 124–134
Purchase of public domain from the State of Texas, 1850, with cost per acre........ 12–21, 134, 135
Purchase of public and national domain from Mexico, Gadsden purchase, 1853, with cost per acre........ 12, 21, 136–138
Purchase of public and national domain from Russia—Alaska, 1867, with cost per acre........ 13–21, 138–145

Q.

Quartz-mining claim, form of patent for........ 330

R.

Railroads, land grants for........ 257
to States, for........ 261–267
to, area patented........ 269
miles of land-grant roads constructed........ 268
area estimated to fill grants........ 269
area necessary to fill grants in States and Territories... 287
sessions of Congress granting land to, and when and by whom approved........ 273
date of law, mile limits, and lands patented to June 30, 1880........ 274
recapitulation of........ 280–287
Railroad lands, form of patent for........ 288
rights, attachments of, to lands granted........ 280
Railroad, Illinois Central, receipts of State from........ 264
amendments relating to........ 265
Pacific........ 265
Union Pacific, charter for........ 267
Receivers of land offices........ 171
established, duties of........ 201
existing........ 176

	Page.
Rectangular system of surveys, origin of	178
cost of surveys under	189
References as to Indian reservations	248
relative to treaties	10
under stone and timber act	359
timber-culture act	362
chapter on States and Territories	464
Registers of land offices	176
established, duties of	201
existing	176
Religious purposes, grants of land for	209
Report, Final, of Public Land Commission	v-vii
Reservation by Connecticut, Western Reserve and "fire lands"	82
the State of Georgia in her cession, cash and Yazoo claims, conditions	83
the State of North Carolina in her cession	83
Reservations in Virginia deed of cession	82
Reservation of town sites, by President, authority for	305
for General George R. Clarke and men, in Virginia deed of cession	82
for French and Canadian settlers at Saint Vincent and Kaskaskia, in Virginia deed of cession	82
Reservations in Indian Territory	459
Reservations, Indian, in land States and Territories	240-244
references as to	248
survey of	179
number of acres held by each Indian on	244
military, in land States and Territories	249-254
for military and naval land bounties	232
mineral, in Northwestern Territory	306
saline	217
area of grants to the several States	218
Revolutionary war, land bounties for	232
Rhode Island, colonization of	41
sketch of colonial history of	41
charter of	41
adopts the Constitution of the United States	41
Rocky Mountains, national northern boundary line to, and west of the	5, 6
Russia, lands acquired from, by purchase and treaty	13
cession and purchase from—Alaska, 1867	138
cost of cession, per acre	21
claim of, to the cession	138
negotiations for the purchase from	139
treaty of cession	139
transfer of Alaska to United States	141
area and cost of purchase	145
purchase, boundary of Alaska	9

S.

Sailors' and soldiers' homesteads	349
Sale and disposition of public land, existing method in United States	411
in Canada, Brazil, Mexico, and Australia	477
Sales of public lands, receipts from, for 1880, by States	24
for twenty years prior to 1880	24
various methods of, 1784 to 1880	196
area of, under graduation act	291
net proceeds of, how distributed, act 1841	256

Page.
Sales, cash, of mineral lands ordered 308
Saline lands, what are, and how disposed of........ 413
Salines, reservations of, and grants........ 217
change in law........ 217
now disposed of at $1.25 per acre, after offering........ 217
area of grants to the several States........ 218
School lands, grants for, manner of selecting, &c. (*See* also educational grants). 226–230
area reserved and granted 223
Scrip issued by General Land Office, various kinds of........ 289
area of........ 290
agricultural and mechanical 223
in lieu of land warrants for location 236
Seat of Government of United States........ 462
Secretaries of the Interior, list of........ 165
Assistant, list of........ 165
Selections, State, for internal improvements, act 1841........ 255
Seminaries, area reserved and granted for........ 223
Silver, production of, from public domain since 1848........ 320
Soldiers' and sailors' homesteads 349
South Carolina, colonization of 51
early settlement and charter of........ 51, 52
sketch of colonization of, to 1776 52
cession of Western lands to the United States........ 53
adopts the Constitution of the United States........ 53
State of, cession by the........ 75
area of cession 87
Southern boundary lines of Nation, how settled........ 8, 9
Southern States, area of remaining public lands in........ 16
Spain, land acquired from, by purchase and treaty........ 12
cession of Louisiana to, by France 90
back to France by........ 91
rumored opposition of, to delivery of Louisiana to United States by France 104
mining laws of, reference to........ 514
purchase of Province of East and West Florida from, by United States.. 108
treaty of purchase, 1819 111
ratification of purchase by 114
area of boundaries, and cost 120
of Florida from, treaty of 1819, private land claims under 377
Special agents for timber 358
Special grants and donations 209–213
State, area of saline lands granted each 218
of school lands granted each........ 223
of swamp and overflowed lands granted each 222
amount received by each, under 2, 3, and 5 per cent. fund grants........ 238
selections for internal improvements, act 1841 255
area of cessions by each, to United States........ 88
States, original thirteen, derivation of names of 464
legislative names of and date of admission........ 419
1776 to 1880........ 416
public land, and Territories, derivation of names of (*see* each State and Territory).
references under chapter on 464
new, how admission of, is regulated and controlled........ 416
their cessions to the National Government and area of 10, 11

Page.

States, total area of cessions to United States and by States 88
 constitutions of the several, legislation, conventions to form constitutions, votes on 416–464
 land grants to, for railroads 261–267
Statistical and historical table of the United States and Territories 28, 29
Stone lands, what are, and how disposed of 414
Stone and timber acts 357
 references under 359
St. Vincent and Kaskaskia, settlers at, reservation for, in Virginia deed of cession 82
Subdivision of townships for sale and settlement 205, 214
Survey of private land claims, claimant pays for, before patent issues 410
Surveys of the public lands 178
 appropriations for, how made 191
 what lands are surveyed 185
 examination of 185
 classification of lands surveyed 186
 re-establishing the lines of public 192
 laws and rules governing the subdivision of public 192
 method of execution of 182
 instruments used for 184
 contracts for, let to surveyors 182
 benefits of present system of 188
 progress of, for six years prior to 1880 192
 parceling, meridian and base-lines, number and location 179
 rectangular system of, its origin 178
 cost of under rectangular system 189
 cost of from 1860 to 1881 190
 highest price paid for 191
 present cost of surveying a township 191
 cost of, and disposition from 1785 to 1880 192
 special, on private application and deposit 184
 geological surveys under the General Land Office .. 186
 survey of boundary lines 179
 surveys of islands 179
 Indian reservations 179
 mineral claims, method of 186
 classification of 187
 cost of survey and disposition of public lands 1g
 area of surveyed lands to June 30, 1880 188
 public lands unsold 15
 lands in the Indian Territory 457
 private land claims, how done, claimant pays for same before patent issues 410
Surveys in the colonies, method of 466
 colony of Pennsylvania, manner of 472
 Virginia, manner of 473
 and disposition of crown or public lands in Canada, Brazil, Mexico, and Australia 477, 494
Surveyors of public lands prior to 1825 171
Surveyor-general of Northwest Territory 170
 report of, on land claims in New Mexico 400
Surveyors-general, within States and Territories, established, duties of 171
 list of, up to June 30, 1880, with compensation 172

Page.
Surveyors-general, reserved public lands, leased by ... 202
instructions to, by Commissioner of General Land Office as to private land claims and survey for ... 394
Surveying districts, closing up the lands in, manner of ... 194
table showing districts, and dates at which they have been closed ... 195
now in existence, with names of surveyor's general, and compensation ... 172
Swamp and overflowed lands ... 219
legislation thereon from an early period ... 219
sketch of history of, and system ... 220
form of patent for ... 221
area of, granted the several States ... 222

T.

Taxation of the public lands ... 239
Tennessee, State of, population at periods, constitutional convention, sketch of legislation, up to admission into the Union ... 421
Tenures in American colonies ... 465
Tennessee, State of, embraced in the North Carolina cession, public domain therein given to State ... 83
Territories, obsolete and former (*see* chapter 33, under the several States and Territories) ... 464
Territories, existing ... 452
grants of land to, in aid of internal improvements ... 259
States and, references under chapter on ... 464
legislation as to, organic acts of, existing, now States ... 417
government of the, how and by whom, form of, derivation of names of (*see* under name of each Territory) ... 416, 418
Territory of the United States Northwest of the Ohio River—
claims of the several States to the lands therein ... 146
action of Congress on State cessions therein ... 147
resolution of Congress for the government of, 1784 ... 148
preliminary Congressional action on the ordinance of 1787 ... 149
the ordinance for the government of the Western Territory ... 150
ordinance of July 15, 1787, for the government of the ... 153
review of the same in relation to tenures ... 156
political history of the territory and its absorption by States and Territories ... 159
the boundaries of, area, and present location of the ... 161
Territory, Indian, tribes in, laws relating to ... 459
reservations in ... 459
Territory, Northwestern, mineral reservations in ... 306
Territory of the United States south of the river Ohio—
its organization ... 161
its boundaries ... 162
States erected therefrom and its absorption ... 162
actual and nominal area and present location of lands once therein ... 163
Texas, lands acquired from, by purchase and treaty ... 12
Texas, Republic of, annexation ... 120
political history of ... 120
organized ... 121
recognized by the United States ... 121
treaty between the United States and ... 121
annexation of, by the United States ... 122

Page.
Texas, Republic of, annexation joint resolution of Congress of the United States thereon ... 122
consent of, to annexation ... 123
admitted into the Union as State of Texas ... 124
area of annexed territory ... 124
Texas, State of, population at periods, sketch of history of, legislation for, up to admission into the Union ... 435
Texas, State of, 1850, purchase of public domain from ... 134
boundaries of ... 134
cession of lands by, area, cost, and location ... 135
cost per acre ... 21
Thirteen original States, derivation of names of ... 468
names of, dates of ratification of constitution of United States, and admission into the Union (*see*, *also*, statistical tables, pages 28, 29 ... 419
Timber, special agents for, and results of their labors ... 354
sketch of legislation as to ... 357
act condoning trespassing on timber lands ... 358
lands, what are and how disposed of ... 414
and stone acts ... 357
results of ... 359
Timber culture ... 360
act ... 362
clause in homestead act ... 361
land bounties for ... 360
area of holdings under ... 361
Title to the national domain ... 1
public domain ... 56
occupancy of Indians to public lands, how extinguished ... 240
Tomé, town of, example of a Mexican town grant ... 401–404
Town grant, or pueblo, example of land grant for ... 401
lot act ... 298
list of towns under ... 305
Town-site acts ... 298
legislation upon, history of ... 298
list of, with dates of entries, names of towns, and acres therein ... 300
lands, which are, and how located ... 418
Township, cost of surveying a, 1880 ... 191
Treaties, references relative to ... 10
Indian, relating to Indian Territory ... 459, 460
Treaty, lands acquired by purchase, conquest and, from France, Spain, Mexico, Texas, and Russia ... 11–13
of Ghent and commissioners under ... 4
of London and award under ... 4
of Washington, 1842, Webster-Ashburton ... 5
1846, Oregon treaty ... 7
1871, joint high commission, and awards under ... 7
of June 15, 1846, Hudson's Bay Company, private land claims under ... 409
between United States and Texas ... 121
of 1783 with Great Britain, private land claims under ... 37
of purchase from France of Province of Louisiana, convention 1803 ... 96–99
Spain of Florida, 1819 ... 111–114
private land claims under ... 377
decisions of court as to ... 120

Page.
Treaty of Guadalupe Hidalgo, Mexico, 1848 126-134
with Mexico in Gadsden purchase 136
with Russia for Alaska 138
Trespassers on timber lands, condoning act for 358
Tribes of Indians in Indian Territory 459

U.

Unconfirmed private land grants in Louisiana 375
Union Pacific Railroad, charter for 267
United States, political divisions of 2
Constitution, convention to form 58
boundaries of, and of national and public domain 2-9
counties in, number of 29
and Territories, historical and statistical table of 28, 29
successor to the crown as to unappropriated lands 56
frontier and coast line of, land and water, length of 464
States as proprietor of Western lands 59
area of total cessions to, by States 56-88
population of, by periods from 1790 464
geographer of the 170
capital of 462
military district in Ohio 232
Universities, land grants for 223
Unsurveyed public lands, area of 15
Utah, the Territory of, population at periods, when organized, legislation as to .. 453

V.

Vermont, colonization of (the New Hampshire grants) 41
sketch of history of, to 1791 41-42
admitted into the Union 42
State of, population at periods, and sketch of, to date of admission into the Union 420
Victoria, colony of, Australia, crown lands, how disposed of, system, with details. 504
Virginia, colonization of, first, second, and third charters 32
political history of, until 1776 33
cedes her Western lands to the United States 33
adopts the Constitution of the United States 33
surveys of land in colony of, manner of 473
State of, cession by the 67-70
deed of cession, and modification of, reservations in deed of cession 82, 83
area of cession 86
military lands in Ohio 62
districts in Ohio 233

W.

Wagon roads and military wagon roads, lands granted for 257-260
sessions of Congress and administrations granting lands to 261
area of 287
military, acres certified or patented 279
area of grants 287
War Department, mineral lands in charge of 308
War of 1812, land bounties for 234

	Page.
Warrants, land, for bounties, United States, for all wars	232
for Revolutionary War	232
for war of 1812	234
for war with Mexico	235
total number of, with tables	237
area of acres embraced in	235
Washington Territory, donation act in	296
population of, at periods, organization of, legislation as to	454
Washington treaty of 1842, Webster-Ashburton	5
1846, Oregon treaty	7
1871, joint high commission and awards thereunder	7
Water and ditch rights, left to local usage	322
Western boundary lines of United States, how settled	8
Western lands, cession of, to the United States, by States	56–88
Western Reserve of Connecticut in Ohio	82
jurisdictional cession of	73–75
West Florida, province of, grants of land in	377
West Virginia, State of, population at periods, sketch of history of, constitution of, and legislation for, up to admission into the Union	448
Williamson, J. A., President of Land Commission, and chairman of its committees	iii–v
Wisconsin, State of, population at periods, sketch of history of, constitution of, legislation for, up to admission into the Union	440
Wyoming, Territory of, population at periods, organization of, legislation as to.	457

Y.

Yazoo claims, the	83–85

Z.

Zane, E. and I., grant of land to, for ferries; control of rates for ferriage by United States provided for	210

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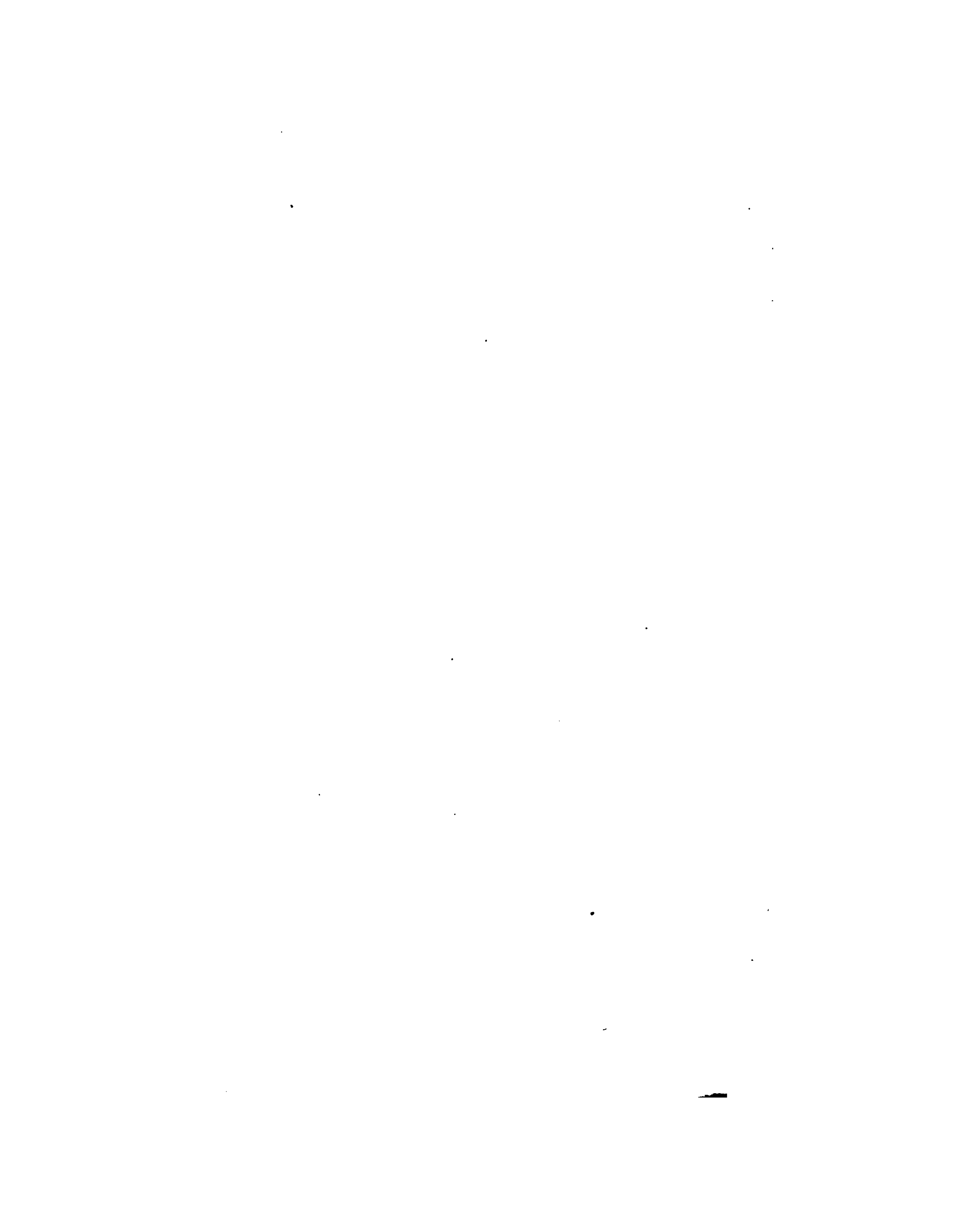

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